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# PENNSYLVANIA BULLETIN

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**Agencies in this issue:**

The General Assembly  
The Courts  
Delaware River Basin Commission  
Department of Banking  
Department of Environmental Protection  
Department of General Services  
Department of Health  
Department of Public Welfare  
Department of Revenue  
Department of Transportation  
Environmental Hearing Board  
Executive Board  
Independent Regulatory Review Commission  
Insurance Department  
Office of the Budget  
Pennsylvania Commission for Women  
Pennsylvania Emergency Management Agency  
Pennsylvania Public Utility Commission  
Philadelphia Regional Port Authority  
State Employees' Retirement Board  
State Ethics Commission  
State System of Higher Education  
Turnpike Commission

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**Latest Pennsylvania Code Reporter  
(Master Transmittal Sheet):**

**No. 289, December 1998**

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**PENNSYLVANIA**



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# READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

## ***Pennsylvania Bulletin***

The *Pennsylvania Bulletin* is the official gazette of the Commonwealth of Pennsylvania. It is published every week and includes a table of contents. A cumulative subject matter index is published quarterly.

The *Pennsylvania Bulletin* serves several purposes. First, it is the temporary supplement to the *Pennsylvania Code*, which is the official codification of agency rules and regulations and other statutorily authorized documents. Changes in the codified text, whether by adoption, amendment, repeal or emergency action must be published in the *Pennsylvania Bulletin*. Further, agencies proposing changes to the codified text do so in the *Pennsylvania Bulletin*.

Second, the *Pennsylvania Bulletin* also publishes: Governor's Executive Orders; State Contract Notices; Summaries of Enacted Statutes; Statewide and Local Court Rules; Attorney General Opinions; Motor Carrier Applications before the Public Utility Commission; Applications and Actions before the Department of Environmental Protection; Orders of the Independent Regulatory Review Commission; and other documents authorized by law.

The text of certain documents published in the *Pennsylvania Bulletin* is the only valid and enforceable text. Courts are required to take judicial notice of the *Pennsylvania Bulletin*.

## **Adoption, Amendment or Repeal of Regulations**

Generally an agency wishing to adopt, amend or repeal regulations must first publish in the *Pennsylvania Bulletin* a Notice of Proposed Rulemaking. There are limited instances where the agency may omit the proposal step; they still must publish the adopted version.

The Notice of Proposed Rulemaking contains the full text of the change, the agency contact person, a fiscal note required by law and background for the action.

The agency then allows sufficient time for public comment before taking final action. An adopted proposal must be published in the *Pennsylvania*

*Bulletin* before it can take effect. If the agency wishes to adopt changes to the Notice of Proposed Rulemaking to enlarge the scope, they must re-propose.

## **Citation to the *Pennsylvania Bulletin***

Cite material in the *Pennsylvania Bulletin* by volume number and page number. Example: Volume 1, *Pennsylvania Bulletin*, page 801 (short form: 1 Pa.B. 801).

## ***Pennsylvania Code***

The *Pennsylvania Code* is the official codification of rules and regulations issued by Commonwealth agencies and other statutorily authorized documents. The *Pennsylvania Bulletin* is the temporary supplement to the *Pennsylvania Code*, printing changes as soon as they occur. These changes are then permanently codified by the *Pennsylvania Code Reporter*, a monthly, loose-leaf supplement.

The *Pennsylvania Code* is cited by title number and section number. Example: Title 10 *Pennsylvania Code*, § 1.1 (short form: 10 Pa.Code § 1.1).

Under the *Pennsylvania Code* codification system, each regulation is assigned a unique number by title and section. Titles roughly parallel the organization of Commonwealth government. Title 1 *Pennsylvania Code* lists every agency and its corresponding *Code* title location.

## **How to Find Documents**

Search for your area of interest in the *Pennsylvania Code*.

The *Pennsylvania Code* contains, as Finding Aids, subject indexes for the complete *Code* and for each individual title, a list of Statutes Used As Authority for Adopting Rules and a list of annotated cases. Source Notes give you the history of the documents. To see if there have been recent changes, not yet codified, check the List of *Pennsylvania Code* Chapters Affected in the most recent issue of the *Pennsylvania Bulletin*.

The *Pennsylvania Bulletin* also publishes a quarterly List of Pennsylvania Code Sections Affected which lists the regulations in numerical order, followed by the citation to the *Pennsylvania Bulletin* in which the change occurred.

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### Printing Format

Material proposed to be added to an existing rule or regulation is printed in **bold face** and material proposed to be deleted from such a rule or regulation is enclosed in brackets [ ] and printed in **bold face**. Asterisks indicate ellipsis of *Pennsylvania Code* text retained without change. Proposed new or additional regulations are printed in ordinary style face.

### Fiscal Notes

Section 612 of The Administrative Code of 1929 (71 P. S. § 232) requires that the Office of Budget prepare a fiscal note for regulatory actions and administrative procedures of the administrative departments, boards, commissions or authorities receiving money from the State Treasury stating whether the proposed action or procedure causes a loss of revenue or an increase in the cost of programs for the Commonwealth or its political subdivisions; that the fiscal note be published in the *Pennsylvania Bulletin* at the same time as the proposed change is advertised; and that the fiscal note shall provide the following information: (1) the designation of the fund out of which the appropriation providing for expenditures under the action or procedure shall be made; (2) the probable cost for the fiscal year the program is implemented; (3) projected cost estimate of the program for each of the five succeeding fiscal years; (4) fiscal history of the program for which expenditures are to be made; (5) probable loss of revenue for the fiscal year of its implementation; (6) projected loss of revenue from the program for each of the five succeeding fiscal years; (7) line item, if any, of the General Appropriation Act or other appropriation act out of which expenditures or losses of Commonwealth funds shall occur as a result of the action or procedures; (8) recommendation, if any, of the Secretary of the Budget and the reasons therefor.

The required information is published in the foregoing order immediately following the proposed change to which it relates; the omission of an item indicates that the agency text of the fiscal note states that there is no information available with respect thereto. In items (3) and (6) information is set forth for the first through fifth fiscal years; in that order, following the year the program is implemented, which is stated. In item (4) information is set forth for the current and two immediately preceding years, in that order. In item (8) the recommendation, if any, made by the Secretary of Budget is published with the fiscal note. See 4 Pa. Code § 7.231 *et seq.* Where “no fiscal impact” is published, the statement means no additional cost or revenue loss to the Commonwealth or its local political subdivision is intended.

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**249 Pa. Code (Philadelphia Rules)**

Unclassified (with correction) .....	997, 1516, 2919, 2920, 3021, 3373, 3586, 3935, 4627, 5336, 5668, 5850, 6180
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**252 (Allegheny County Rules)**

Unclassified .....	133, 135, 1936, 3373, 5479
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**255 Pa. Code (Local Court Rules)**

Unclassified .....	8, 9, 10, 135, 136, 277, 481, 482, 646, 795, 796, 798, 1000, 1128, 1132, 1233, 1312, 1516, 1750, 1751, 1834, 1835, 1939, 2033, 2132, 2283, 2285, 2403, 2404, 2405, 2499, 2578, 2685, 2686, 2806, 2808, 2921, 2922, 2923, 3024, 3048, 3255, 3257, 3258, 3504, 3587, 3752, 3936, 3937, 4176, 4177, 4178, 4179, 4243, 4509, 4627, 4891, 5092, 5093, 5225, 5338, 5339, 5572, 5573, 5574, 5575, 5576, 5668, 5851, 5882, 5971, 6070, 6071, 6072, 6073, 6077, 6181, 6294, 6295, 6296
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# THE GENERAL ASSEMBLY

## Recent Actions During the 1998 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 1998 Regular Session.

### 1998 ACTS—ACTS 113 through 125 (numerical)

<i>Act No.</i>	<i>Enactment Date</i>	<i>Bill No.</i>	<i>Printer's No.</i>	<i>Effective Date</i>	<i>Subject Matter</i>
1998-113	Dec. 3	SB914	PN2303	60 days	Public Utility Code (66 Pa.C.S.)—construction, relocation, suspension and abolition of crossings and related damages
1998-114	Dec. 3	SB101	PN2287	60 days	Liquid Fuels Tax Municipal Allocation Law—maintenance of alleys and courts
1998-115	Dec. 3	HB2268	PN3979	July 1, 1999	Domestic Violence Health Care Response Act—enactment
1998-116	Dec. 3	HB2459	PN4118	July 1, 1999	Human Services Development Fund Act—allocations
1998-117	Dec. 3	HB2410	PN3693	60 days	Flag display—rules and regulations and validity of ordinances
1998-118	Dec. 3	HB2225	PN2935	Immediately	Repeals—obsolete law relating to mode of inquiring into origin of fires
1998-119	Dec. 3	HB2210	PN2920	Immediately	Repeals—obsolete law relating to sewage system construction
1998-120	Dec. 3	HB207	PN4171	60 days	Prisons—inmate uniform requirements
1998-121	Dec. 3	HB413	PN3735	Immediately*	Crimes Code (18 Pa.C.S.)—omnibus amendments
1998-122	Dec. 3	HB2193	PN3392	Immediately	Commerce and Trade (12 Pa.C.S.)—European union member states continuity of contract under monetary union
1998-123	Dec. 3	HB1985	PN3027	60 days	Children's Trust Fund Act—Children's Trust Fund Board powers and duties and delegation of votes
1998-124	Dec. 3	HB1479	PN4112	60 days	Associations Code (15 Pa.C.S.)—trademark fees and limited liability companies purposes
1998-125	Dec. 3	HB1020	PN4122	Immediately	Forest Lands Beautification Act—enactment

### 1998 APPROPRIATIONS—ACTS 45A and 46A (numerical)

<i>Act No.</i>	<i>Enactment Date</i>	<i>Bill No.</i>	<i>Printer's No.</i>	<i>Effective Date</i>	<i>Subject Matter</i>
1998-45A	Dec. 3	SB867	PN2304	Jan. 1, 1999	Lincoln University—additional appropriation for Jan. 1, 1999 to June 30, 1999
1998-46A	Dec. 3	HB2381	PN4052	Immediately	Temple University School of Podiatric Medicine—instruction

### 1998 VETOES—VETO 1 (numerical)

<i>Veto No.</i>	<i>Veto Date</i>	<i>Bill No.</i>	<i>Printer's No.</i>	<i>Subject Matter</i>
1998-1	Dec. 2	HB907	PN4173	County Code, The—repeals

\* with exceptions

### Effective Dates of Statutes

The effective dates specified above for laws and appropriation acts were contained in the applicable law or appropriation act. Where no date is specified or where the effective date specified is prior to the date of enactment, the effective date is 60 days after final enactment except for statutes making appropriations or affecting budgets of political subdivisions. See 1 Pa.C.S. §§ 1701—1704 (relating to effective dates of statutes).

### Advance Copies of Statutes

Section 1106 of Title 1 of the Pennsylvania Consolidated Statutes provides that the prothonotaries of each county shall file advance copies of statutes in their offices for public inspection until the Laws of Pennsylvania are generally available.

Section 2406(h) of The Administrative Code of 1929 provides that the Department of General Services shall distribute advance sheets of the Laws of Pennsylvania to each law judge of the courts, to every county and public library of this Commonwealth, and to each member of the General Assembly. These copies shall be furnished without charge. The Department shall also mail one copy of each law enacted during any legislative session to any person who pays to it the sum of \$20.

Requests for annual subscriptions for advance copies of statutes should be sent to the State Bookstore, State Records Center Building, 1825 Stanley Drive, Harrisburg, PA 17103, accompanied by a check or money order in the sum of \$20, payable to the "Commonwealth of Pennsylvania."

#### **Legislative Bills and Documents**

Copies of Senate Bills and Documents may be obtained from: Document Room, Senate of Pennsylvania, Room 34A, Main Capitol Building, Harrisburg, PA 17120, (717) 787-6732.

Copies of House Bills and Documents may be obtained from: Document Room, House of Representatives, 35 Main Capitol Building, Harrisburg, PA 17120, (717) 787-5320.

CARL MEASE,  
*Director*  
*Legislative Reference Bureau*

[Pa.B. Doc. No. 98-2099. Filed for public inspection December 24, 1998, 9:00 a.m.]

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# THE COURTS

## Title 201—RULES OF JUDICIAL ADMINISTRATION

[201 PA. CODE CH. 7]

Amendment of Rule 701(a) of the Pennsylvania Rules of Judicial Administration; No. 202 Judicial Administration Doc. No. 1

### Order

*Per Curiam:*

*And Now*, this 8th day of December, 1998, Rule 701(a) of the Pennsylvania Rules of Judicial Administration is amended to read as follows.

To the extent that notice of proposed rulemaking would be required by Rule 103 of the Pennsylvania Rules of Judicial Administration or otherwise, the immediate amendment of Rule 701(a) is hereby found to be required in the interest of justice and efficient administration.

This Order shall be effective January 1, 1999, and shall be processed in accordance with Rule 103(b) of the Pennsylvania Rules of Judicial Administration.

### Annex A

#### TITLE 201. RULES OF JUDICIAL ADMINISTRATION

##### CHAPTER 7. ASSIGNMENT OF JUDGES

##### ASSIGNMENT AND TRANSFER OF JUDGES

##### Rule 701. Assignment of Judges to Courts.

(a) *Certification of availability for assignment by former or retired judges.* A former or retired judge who consents to accept assignment on temporary judicial service shall file with the Administrative Office a statement of the period during which he is willing to be assigned to a court, and a certification that he has not, since his last judicial duty, engaged in the practice of law or in any activity incompatible with judicial office and does not intend to engage in the practice of law in the future. **Excepting those in appellate senior judge status, senior judge status shall end at age seventy-five; however, those serving in senior judge status as of the effective date of this rule may continue to do so notwithstanding the age seventy-five limitation.** In order to be qualified for assignment, such judge shall not have been defeated for re-election and shall have served as a judge (whether or not continuously or on the same court) by election or appointment for an aggregate of at least ten years, except that any duly elected justice or judge, having an aggregate of five years' judicial service or seniority, who is required to retire at age seventy, shall be eligible for assignment. **Suitable facilities and adequate staff are to be provided for senior judges, the parameters of which are to be determined and promulgated by the Administrative Office.**

\* \* \* \* \*

[Pa.B. Doc. No. 98-2100. Filed for public inspection December 24, 1998, 9:00 a.m.]

## Title 207—JUDICIAL CONDUCT

### PART IV. COURT OF JUDICIAL DISCIPLINE

[207 PA. CODE CH. 21]

Internal Operating Procedures of the Court of Judicial Discipline; Doc. No. 1 JD 94

*Per Curiam:*

### Order

*And Now*, this 9th day of December, 1998, the Court, pursuant to Article 5, Section 18(b)(4) of the Constitution of Pennsylvania, having adopted an amendment to Section 106 which replaces former Sections 106, 208 and 209 of the Internal Operating Procedures, as more specifically hereinafter set forth, *It Is Hereby Ordered:*

*That* the following Internal Operating Procedures are a complete replacement for the existing text of Title 207 Pa. Code, Pages 227-1 through 227-8.

*That* Court Administrator Wanda W. Sweigart provide for the publication of the Internal Operating Procedures in the *Pennsylvania Bulletin*.

### Annex A

#### TITLE 207. JUDICIAL CONDUCT

##### PART IV. COURT OF JUDICIAL DISCIPLINE

##### ARTICLE IV. INTERNAL OPERATING PROCEDURES

##### CHAPTER 21. INTERNAL OPERATING PROCEDURES

##### GENERAL PROVISIONS

**§ 101. Classification of Judges.** Judges who are serving a term of office which has not expired shall be classified as Active Members or Judges. Those Judges whose terms have expired, but who must continue to participate in a hearing in accordance with Article V, § 18(b)(2), shall be classified as Participating Former Members or Judges.

**§ 102. Composition of Court or Panel.** En banc or full Court proceedings shall be conducted by the entire Court. The President Judge shall preside unless he or she is unavailable to participate, in which case, the empanelled Judge most senior shall preside. Panels appointed to conduct a trial pursuant to C.J.D.R.P. No. 501 shall be composed of no fewer than three Judges of the Court, one of whom shall be the Conference Judge, and at least one of whom shall be a non-lawyer elector in accordance with C.J.D.R.P. No. 501(B). The Judge who has seniority shall preside over three-member panel proceedings.

**§ 103. Location of Proceedings.** Proceedings before the Court shall be in Harrisburg, unless the Court selects another location for a proceeding.

**§ 104. Duty Month Judges.** Each month an Active Judge of the Court shall be designated the duty Judge for the month. Assignment as duty Judge shall be based upon reverse seniority. A new assignment schedule shall be developed by the Court Administrator each year, following the appointment of new members, and shall be approved by the Court. The schedule shall reflect any previous service of members by ensuring that assignments are made in an equitable fashion.

**§ 105. Conducting Conferences by Telephone.** When a particular proceeding does not entail the creation of a record or public access, the Court or a Judge conducting a conference, may elect to proceed by teleconference.

**§ 106. Opinions and Orders of Court.**

(A) Opinions.

(1) *Assignment.* The President Judge, or the Presiding Judge, shall assign to the Conference Judge the duty to draft a majority opinion, unless, following preliminary deliberations by the Judges, the Conference Judge does not agree with the majority of Judges with regard to disposition of the matter. In such case, the President Judge, or the Presiding Judge, shall assign one of the Judges in the majority to draft the majority opinion.

(2) *Circulation.* When the Judge to whom a matter has been assigned for opinion writing has prepared an opinion, the Judge shall direct the Court Administrator to forward the draft opinion to the other Judges participating in the decision-making process. The draft shall bear a cover sheet that shall include a standardized form requesting the responding Judges to inform the Court Administrator of their agreement or disagreement with the opinion as well as any suggestions they desire to make with regard to the draft opinion. The form shall provide a choice for response as follows: Join, Concur in Result, Will Write a Concurring Opinion, Dissent, Will Write a Dissenting Opinion.

(3) *Responding.* Judges shall respond to a circulating opinion within 14 days, unless the responding Judge requests and obtains from the authoring Judge an extension of time to respond.

(4) *Concurrences and Dissents.*

(a) When a Judge responds to a circulating opinion by stating he or she concurs or dissents and intends to write a concurring or dissenting opinion, the Court Administrator shall hold the draft majority opinion until all Judges have responded to the concurring or dissenting opinion.

(b) The concurring or dissenting Judge shall submit a draft concurring or dissenting opinion to the Court Administrator for circulation to all Judges within 14 days from the date of the concurring or dissenting Judge's response.

(c) The concurring or dissenting opinion shall bear a cover sheet with a standardized form for response, including the following options: (1) "Concurring/Dissenting Opinion Noted," which shall indicate that the responding Judge does not alter any previously submitted votes, and (2) "I join in the Concurring/Dissenting Opinion." Judges shall respond to concurring or dissenting opinions within 14 days of circulation, unless the responding Judge requests and obtains from the author of the draft majority opinion an extension of time to respond.

(d) The author of the draft majority opinion may consider the reasoning of the concurring or dissenting

opinion, as well as suggestions offered by any other Judge, and revise his or her draft for recirculation.

(e) Any recirculation shall boldly note on the cover sheet the date of circulation, and a reasonable time period for response shall also be noted. However, if an authoring Judge, whether it be the majority, concurrence or dissent, deems that the alterations are not substantive, no cover sheet shall be required, but the author shall attach a memorandum indicating the nature of the changes and that no further response is required. In all cases, an authoring Judge shall advise all Judges that a draft has been revised.

(5) *Reassignment.* When draft opinions have been circulated and a majority of Judges either (1) dissent to the draft majority opinion or (2) vote in accordance with a concurring or dissenting opinion, the author of the original draft majority opinion shall request the President Judge, or Presiding Judge to reassign the matter to a Judge whose vote is in the majority or to the author of the draft opinion that has garnered a majority of votes, who shall submit his or her draft to the Court Administrator as the new majority opinion, to be circulated in accordance with these provisions.

(6) *Revisions of Opinions after Filing.* When, after the filing of an opinion, whether the opinion is a majority or concurring or dissenting opinion, the authoring Judge determines that a change to the opinion is warranted, the authoring Judge shall circulate a proposed order to the members who participated in the decision-making process which shall:

(a) in the case of revisions that alter a significant portion of the filed opinion, with the concurrence of the members who joined in the original opinion, indicate that the original opinion has been revoked and withdrawn, and replaced with a new opinion, or

(b) in the case of revisions that are not substantial in nature, indicate the alterations made to the original. When this alternative is used, the revisions shall be incorporated into the original and the Court Administrator shall ensure that the new revised opinion thereafter shall be distributed to whomever the original had been distributed.

(7) *Notations of concurring or dissenting Judges.* Whenever a Judge concurs in the result of a majority opinion or dissents to the majority opinion, said notation shall be indicated at the bottom of the last page of the majority opinion in the following exemplary style: Judge Smith dissents/concurs in the result; Judge Smith files a dissenting/concurring opinion. The accompanying concurring or dissenting opinion shall begin in the following exemplary style: Judge Smith dissenting/concurring.

(8) *Panel Decisions.*

(a) The assignment and circulation of draft opinions of panels shall follow the procedure applicable to decisions of the full Court.

(b) After the majority or concurring or dissenting opinions of the Panel are in final form, they shall be circulated to the full Court in accordance with these provisions.

(B) Orders.

(1) *Applicability.* This provision shall govern this issuance of all orders of the Court except those issued by Conferences Judges in the exercise of the duties with which they are empowered.



(2) When the Court determines that the issuance of an order regarding a pending matter is warranted, and when the matter requires a majority vote of the full Court, the President Judge, or the Presiding Judge, shall cause to be distributed for vote by the Court a proposed per curiam order.

(3) Circulation of Proposed Per Curiam Orders. The President Judge, or the Presiding Judge, shall direct the Court Administrator to provide a response sheet with each proposed per curiam order upon which each Judge shall respond as to whether or not he or she is in agreement with the proposed order. The response sheet shall indicate the date by which a response is directed to be forwarded. Responses shall be returned to the Court Administrator, who shall keep the President Judge, or the Presiding Judge informed as to the status of votes.

(4) Whenever a Judge concurs with or dissents from an order that is not accompanied by an opinion, his or her concurrence or dissent shall be noted on the order. In such case, no concurring or dissenting opinion may be included.

(5) When a Judge concurs with or dissents from an order that is accompanied by an opinion, his or her concurrence or dissent shall be noted on the opinion as directed by subsection A(7) of this I.O.P. and shall not be noted on the order.

**§ 107. Judicial Conferences.** The Court shall convene regularly to address the business of the Court. The President Judge shall preside over conferences. The Court Administrator shall develop an agenda for judicial conferences in consultation with the President Judge, who shall approve the agenda. The Court Administrator shall distribute copies of the agenda and any related materials to all Judges before the date of the judicial conference.

**§ 108. Adoption of Rules of Procedure.** When the Court determines that it should adopt or amend any rule of procedure, Counsel shall draft a proposed rule for consideration by the full Court. When the Court determines that the rule satisfies the purpose or need for the adoption or amendment, it shall vote upon the new or amended rule. When approved by a majority of the Court, the Court Administrator shall forward a copy of the rule to the Legislative Reference Bureau for initial publication in the *Pennsylvania Bulletin*, seeking responses in the form of criticisms or suggestions from the public. If suggestions or criticisms are received during the 30-day response period, the Court shall consider those suggestions and criticisms before final adoption of the rule, and, if a majority believes that the suggestions or criticisms should be reflected in the rule, the approval procedure described above shall be repeated and the full Court must approve the new draft for republication in the *Pennsylvania Bulletin* and response as set forth above. If the Court rejects the suggestions and criticisms, or if the Court receives no suggestions or criticisms, the Court Administrator shall submit the rule for final publication and adoption in the *Pennsylvania Bulletin*. All proposed and final rule adoptions and changes sent to the Legislative Reference Bureau shall be accompanied by a Per Curiam Order stating whether the publication is for public response or a final rule adoption. The Court may forego the above procedures herein described if it determines that exigent circumstances warrant the immediate adoption or amendment of a rule.

**§ 109. Confidentiality.** All members of the Court, staff employees and any contractual employees shall at all times maintain strict confidentiality concerning pro-

ceedings before the Court, and shall refrain from discussing with persons not a member or employee of the Court the substance of deliberations concerning any matter. This provision applies to all matters involving the deliberative process regardless of whether the matter still is pending or has already been decided.

## FORMAL COMPLAINTS

**§ 201. Assignment of Conference Judge.** When the Judicial Conduct Board files a Formal Complaint with the Court, the Court Administrator shall immediately notify the President Judge that a Formal Complaint has been filed. The President Judge shall appoint a Conference Judge or Judges in accordance with C.J.D.R.P. No. 301(B). The President Judge, at his or her discretion, may appoint two other members to serve as Co-conference Judges. In such a case, the Conference Judge and Co-conference Judges shall serve as a panel in the performance of all duties to be performed by a Conference Judge under this Court's Rules of Procedure and these Internal Operating Procedures.

**§ 202. Distribution of Formal Complaints and Filings Related to Formal Complaints.** When the Judicial Conduct Board files a Formal Complaint, the Court Administrator shall forward copies of the Complaint to all Active Judges of the Court. The Court Administrator shall forward copies of all pleadings and filings related to a Formal Complaint to all Active Judges. When a former member of the Court must participate in a pending matter by virtue of Article V, § 18(b)(2), the Court Administrator shall forward copies of pleadings and filings relating to the pending matter to such Participating Former Members.

**§ 203. Orders and Decisions of Conference Judge.** When a Conference Judge issues an order or decision regarding a preliminary matter which the Conference Judge has the power to decide in accordance with C.J.D.R.P. Nos. 301 and 421, the Court Administrator shall circulate copies of said orders and decisions to all Active Judges, and, if applicable under I.O.P. No. 101, shall circulate said copies to Participating Former Members of the Court.

**§ 204. Deferral of Disposition of Omnibus Motion by Conference Judge to the Full Court.** When, under the authority of C.J.D.R.P. No. 414(A), a Conference Judge determines that the full Court should dispose of an issue or issues raised in an Omnibus Motion, or, when, upon consideration of an Omnibus Motion, a Conference Judge proposes to dismiss a charge or terminate the case, under C.J.D.R.P. No. 414(C), he or she shall submit a memorandum to the President Judge summarizing the issues to be decided. The President Judge shall set a date for determination of the issues by the full Court and may schedule a date for hearing or argument if either is necessary.

**§ 205. Certification by Conference Judge That Case is Ready for Trial.** Following the filing of Stipulations of Fact in Lieu of Trial under C.J.D.R.P. No. 502(D), or following pre-trial conference, and when the Conference Judge believes that a case is ready for trial, the Conference Judge shall certify to the President Judge that a case is ready for disposition. When the Conference Judge has certified a case as ready for disposition or trial, the President Judge shall set a date for trial or deliberation on the stipulations, as required.

**§ 206. Deliberation Following Trial.** Unless otherwise decided by the Court, the Court shall convene

immediately following the conclusion of trial in order to develop a general consensus as to matters necessary for adjudication.

**§ 207. Assignment to Judge.** When the Court reaches a general dispositive conclusion as to issues raised in a trial, the President Judge shall assign the matter to the Conference Judge to develop a draft decision, unless the Conference Judge is not in agreement with the majority vote, in which case, the President Judge shall assign the matter to a Judge whose conclusions are in accord with the majority.

**§ 208. Disposition of Objections to Findings of Fact and Conclusions of Law.** Upon receipt of objections to the Court's Findings of Fact and Conclusions of Law, the Court Administrator shall forward such objections to the members of the Court. The President Judge shall obtain responses of the members to the objections as to whether the objections have or lack merit and whether oral argument is warranted. When a majority of the Court concludes that the objections lack merit and that no argument is necessary, the President Judge shall cause to be issued an Order disposing of the objections. If a majority of the Court concludes that the objections have merit or that oral argument is necessary, the President Judge shall set a date for oral argument and thereafter cause to be drafted an order affirming the Court's Findings and Conclusions or addressing the revisions warranted by a majority of the Court, as the case may be.

#### SANCTION PHASE OF PROCEEDINGS

**§ 301. Scheduling Sanction Hearings.** When the Court has issued Findings of Fact and Conclusions of Law which have become final under C.J.D.R.P. No. 503(C), and when such Conclusions of Law authorize the Court to impose a sanction upon a judicial officer, the Court shall schedule a hearing on the sanction to be imposed. Orders scheduling sanction hearings shall direct the judicial respondent and the Judicial Conduct Board to submit a list of witnesses they propose to call at the hearing.

**§ 302. Sanction Hearings.** The President Judge shall preside at sanction hearings unless he or she is unavailable to participate. The Board shall proceed first with the presentation of testimony, if it elects to present such testimony. The respondent shall follow with the presentation of testimony if he or she elects to present such testimony.

**§ 303. Deliberation Following Sanction Hearing.** The Court shall convene following sanction hearings in order to determine the sanction to be imposed upon a judicial officer. A majority of participating Judges must agree upon a particular sanction in order for a sanction to be imposed.

**§ 304. Formal Sanction Order.** The Court may enter an order of sanction or discipline in open Court following deliberation, or it may defer the entry of its decision regarding sanctions for written disposition. However, in either case, the Court must reduce its sanction order to written form in accordance with C.J.D.R.P. No. 504(B).

#### REQUESTS FOR OTHER RELIEF

**§ 401. Initial Procedure.** When the Judicial Conduct Board files a Petition for Relief under C.J.D.R.P. No. 701, the Court Administrator shall inform the President Judge of the filing, and at his or her request shall immediately

mail or fax a copy of the filing to the President Judge. If, upon review of the Petition, the President Judge deems that the matter should be expedited, he or she may convene the Court in person or by teleconference to determine whether the judicial officer must respond before the normal 14-day response period provided under C.J.D.R.P. No. 703. If the Court concludes that an expedited answer is warranted, the Court shall so notify the respondent by Order.

**§ 402. Conference Judge.** As provided under C.J.D.R.P. No. 706, the President Judge may appoint a Conference Judge or Judges to preside over preliminary motions arising in a matter commenced under Chapter 7. The President Judge, at his or her discretion, may appoint two other members to serve as Co-conference Judges. In such a case, the Conference Judge and Co-conference Judges shall serve as a panel in the performance of all duties to be performed by a Conference Judge under the Court's Rules of Procedure and these Internal Operating Procedures. When the Conference Judge or Judges deem that a ruling regarding a preliminary motion should be deferred to the judgment of the full Court, they shall forward to the President Judge a memorandum describing the issue to be resolved by the full Court.

**§ 403. Preliminary Motions Deferred to the Full Court.** When a Conference Judge defers to the full Court a preliminary motion under C.J.D.R.P. No. 706, the President Judge shall set a date for hearing or argument before the full Court, if the matter requires the presentation of evidence or warrants oral argument, or may convene the Court by teleconference, if the matter does not require the presentation of evidence or oral argument.

**§ 404. Hearing and Oral Argument Requested.** When a Petition for Relief filed by the Judicial Conduct Board under C.J.D.R.P. No. 702 indicates that an evidentiary hearing or oral argument is required, the President Judge shall review the request. If following the filing of a judicial officer's response, the President Judge concludes that the presentation of evidence or oral argument is required, he or she shall set a date for hearing or oral argument.

**§ 405. Deliberation and Decision.** Following the receipt of the judicial officer's answer to the Judicial Conduct Board's Petition, or, if the Court has elected to convene for a formal hearing or oral argument under I.O.P. No. 404, following the hearing or oral argument, the Court shall deliberate upon the issues and relief requested. If a formal written decision requiring findings of fact and conclusions of law is warranted, the President Judge shall designate a Judge to draft said findings of fact and conclusions of law. Drafting of such findings and conclusions, circulation, voting and filing, shall be accomplished in the same manner in which such decisions are processed under Section 2 of these Internal Operating Procedures, relating to Formal Complaints. If the full Court deems that an Order only is warranted, the President Judge shall direct Counsel to prepare an Order that incorporates the decision of the Court, which shall be approved by the President Judge for circulation and approval by the full Court.

[Pa.B. Doc. No. 98-2101. Filed for public inspection December 24, 1998, 9:00 a.m.]

# Title 231—RULES OF CIVIL PROCEDURE

## PART I. GENERAL

### [231 PA. CODE CH. 1910]

#### Amendment of the Rules Relating to the Support Guidelines; No. 306 Doc. No. 5

##### Amended Order

*Per Curiam:*

*And Now*, this 8th day of December, 1998, the Pennsylvania Rules of Civil Procedure are amended as follows:

1. Rule 1910.16-1 is amended.
2. Rules 1910.16-2, 1910.16-3, 1910.16-4, and 1910.16-5 are rescinded and replaced.
3. Rule 1910.16-6 and 1910.16-7 are adopted and added.

This order shall be processed in accordance with Pennsylvania Rule of Judicial Administration 103(b) and shall be effective April 1, 1999.

(*Editor's Note:* For the text of the rules, see 28 Pa.B. 6162 (December 19, 1998).)

[Pa.B. Doc. No. 98-2102. Filed for public inspection December 24, 1998, 9:00 a.m.]

# Title 255—LOCAL COURT RULES

## CARBON COUNTY

#### Temporary Detention of Prisoners; No. 134MI98 Administrative Order No. 15-1998

*And Now*, this 11th day of December, 1998, pursuant to 61 P. S. § 789, it is hereby

*Ordered and Decreed* that, effective January 1, 1999, Carbon County *Shall Provide*, except as hereinafter provided, for the temporary detention of any individual arrested between the hours of 12 a.m. and 8 a.m. at the Carbon County Prison. Said individual *Shall Be Arraigned* the following morning during normally scheduled hours or as directed by the District Justice.

Any *Female* or individual charged with *Felony Crimes Shall Be Brought* before the on-call District Justice for immediate arraignment or as directed by the District Justice.

*It Is Furthered Ordered and Decreed* that seven (7) certified copies of this Administrative Order shall be filed with the Administrative Office of Pennsylvania Courts; two (2) certified copies shall be distributed to Legislative Reference Bureau for publication in the *Pennsylvania*

*Bulletin*; and one (1) certified copy shall be filed with the Pennsylvania Criminal Procedural Rules Committee.

*By the Court*

JOHN P. LAVELLE,  
*President Judge*

[Pa.B. Doc. No. 98-2103. Filed for public inspection December 24, 1998, 9:00 a.m.]

## DELAWARE COUNTY

#### Adoption of Civil Rule \*207; Misc. No. 90-18200 Order

*And Now*, this 17th day of November, 1998, it is hereby *Ordered* that Civil Rule \*207 be and the same is hereby adopted and shall read as follows:

##### Rule \*207—Petition to Change Name.

Except where petitioner is electing to resume a prior surname pursuant to 54 Pa.C.S.A. § 704 (relating to a divorced person), a petition for change of name shall be filed in duplicate and shall be accompanied by a complete set of petitioner's fingerprints to be forwarded by the Office of Judicial Support to the Pennsylvania State Police pursuant to 54 Pa.C.S.A. § 702(b).

*By the Court*

A. LEO SERENI,  
*President Judge*

[Pa.B. Doc. No. 98-2104. Filed for public inspection December 24, 1998, 9:00 a.m.]

## DELAWARE COUNTY

#### Adoption of Civil Rule \*208; Misc. No. 90-18200 Order

*And Now*, this 17th day of November, 1998, it is hereby *Ordered* that Civil Rule \*208 be adopted as follows:

##### Rule \*208—Medical Malpractice, Health Care Provider, Affidavit of Noninvolvement.

All affidavits of noninvolvement filed by health care providers in medical malpractice actions shall be accompanied by a notice plainly appearing on the face thereof indicating the filing date and advising that a motion challenging the affidavit pursuant to § 827-A(c) of the Health Care Services Malpractice Act (40 P. S. § 1301.101 ff.) must be filed within thirty (30) days from the filing date.

*By the Court*

A. LEO SERENI,  
*President Judge*

[Pa.B. Doc. No. 98-2105. Filed for public inspection December 24, 1998, 9:00 a.m.]

## DELAWARE COUNTY

## Amendment of Civil Rule \*29 (a) and (c); Misc No. 90-18200

## Order

*And Now*, this 17th day of November, 1998, it is hereby *Ordered* that sections (a) and (c) of Civil Rule \*29 be amended to read as follows:

(a) Petitions appealing from the denial of a driver's license or the cancellation, suspension, recall or revocation of one's operating privilege shall have a face sheet in the form of a notice for the Court Administrator's use in setting the hearing date.

Petitions appealing a suspension imposed pursuant to 75 Pa.C.S.A. § 1547(b) (refusal to submit to chemical testing after arrest) must identify the municipality in Delaware County where petitioner's arrest for driving under the influence of alcohol and/or controlled substance took place.

(c) The petitioner shall promptly deliver a conformed copy of the petition to the Court Administrator to obtain a hearing date.

*By the Court*

A. LEO SERENI,  
President Judge

[Pa.B. Doc. No. 98-2106. Filed for public inspection December 24, 1998, 9:00 a.m.]

## DELAWARE COUNTY

## Amendment of Civil Rule \*223(a)(5); Misc. No. 90-18200

## Order

*And Now*, this 17th day of November, 1998, it is hereby *Ordered* that Civil Rule \*223 (a)(5) be amended to read as follows:

(a)(5) The trial judge or any master appointed to take testimony may, sua sponte or upon application of any party, require that prospective witnesses remain outside the room where testimony is being taken until they are called to testify, subject to the provisions of Pa. Rule of Evidence 615.

*By the Court*

A. LEO SERENI,  
President Judge

[Pa.B. Doc. No. 98-2107. Filed for public inspection December 24, 1998, 9:00 a.m.]

## DELAWARE COUNTY

## Rescission and Re-Adoption of Civil Rule \*1920.54; Misc. No. 90-18200

## Order

*And Now*, this 17th day of November, 1998, it is hereby *Ordered* that Civil Rule \*1920.54 in its present form be rescinded in its entirety and re-adopted as follows:

## Rule \*1920.54—Hearing by Master. Report. Related Claims.

(d) Once the ancillary claims for property division, alimony and counsel fees/expenses are ripe for determination, either party may file a motion for a case management conference with the Office of Judicial Support which will then be forwarded to the Court Administrator. This motion should be in substantially the following form:

(Caption)

## MOTION FOR CASE MANAGEMENT CONFERENCE

1. The moving party is \_\_\_\_\_, the (plaintiff or defendant) in the above matter.

2. Respondent is \_\_\_\_\_, the (plaintiff or defendant) in the above matter.

3. The moving party represents that both parties have filed affidavits of consent and the case is ripe for equitable distribution; or that plaintiff has filed and served a 3301(d) affidavit to which no counter-affidavit has been filed; or that a fault divorce master has recommended that a divorce be granted and no exceptions have been filed.

4. (Moving party) respectfully requests that the matter be scheduled for a case management conference.

Respectfully submitted,  
BY: \_\_\_\_\_

As a condition precedent to the scheduling of a case management conference for the disposition of the outstanding ancillary claims, one of the following must have occurred:

1. Both parties have executed and filed affidavits of consent pursuant to § 3301(c) of the Divorce Code; 2) one party has filed and served a 3301(d) affidavit and all accompanying materials pursuant to the Pennsylvania Rules of Civil Procedure, and twenty (20) days have passed from service thereof without a counter-affidavit having been filed refuting either the allegation of a two year separation or the allegation of an irretrievable breakdown of the marriage; 3) a recommendation for a fault divorce has been issued by a divorce master and no exceptions have been taken thereto; or, if exceptions have been taken, those exceptions have been resolved by the court in favor of upholding the master's recommendation.

(e) The Court Administrator shall then schedule a case management conference before a hearing officer. At the conclusion of the case management conference, a case management order shall be issued which shall include: 1) a listing of document production or other discovery required; 2) a schedule for such discovery/document production; 3) a due date for the parties' pre-trial statements; 4) a date for a pre-trial conference; and 5) such other matters necessary to prepare the case for the pre-trial conference as the hearing officer shall deem appropriate.

(f) At the pre-trial conference, the hearing officer will discuss the issues applicable to the case as well as potential settlement. The hearing officer will also resolve any outstanding discovery issues. At the conclusion of the pre-trial conference, in the discretion of the hearing officer, the case will be assigned either a date for another pre-trial conference or a hearing date.

(g) The parties must be present at the hearing and prepared to present testimony and/or documentary evidence. The hearing will be a non-record hearing. However, on application of a party, and in the sole discretion of the hearing officer, the hearing or portions thereof may be reported (and transcribed). It shall be the obligation of

the party requesting reporting (and transcription) to make the necessary arrangements therefor.

(h) All case management conferences, pre-trial conferences and hearings shall be held in the courthouse complex or other authorized facilities.

(i) Hearings shall be conducted in accordance with the Pennsylvania Rules of Evidence. A party may, however, offer into evidence without formal proof certain forms of documentary evidence in the nature of real estate and personal property appraisals, estimates of value or worth, listings of fees and costs, actuarial and other economic reports, as well as the official or certified record of any governmental or judicial body, provided that true and correct copies of all such documentary evidence have been provided to the adverse party no later than the date for pre-trial conference, unless the time has been extended by the hearing officer.

*By the Court*

A. LEO SERENI,  
*President Judge*

[Pa.B. Doc. No. 98-2108. Filed for public inspection December 24, 1998, 9:00 a.m.]

## FAYETTE COUNTY

### Local Rule 5000.13: Use of Court Reporter Transcripts; No. 2397 of 1998, G.D.

#### Order

*And Now*, this 3rd day of December, 1998, it is hereby *Ordered* that Fayette County Rule of Judicial Administration 5000.13 is adopted as follows. The rule shall be effective 30 days after the publication in the *Pennsylvania Bulletin*.

The Prothonotary of Fayette County is *Ordered* and *Directed* to do the following:

(1) File seven (7) certified copies of this Order and Amended Rule with the Administrative Office of Pennsylvania Courts.

(2) File two (2) certified copies of this Order and Amended Rule with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

(3) File one (1) certified copy of this Order and Amended Rule with the Pennsylvania Civil Rules Committee.

(4) Forward one (1) copy for publication in the *Fayette Legal Journal*.

(5) Forward one (1) copy to the Fayette County Law Library.

(6) Keep continuously available for public inspection copies of this Order and Rule.

*By the Court*

WILLIAM J. FRANKS,  
*President Judge*

### Rule 5000.13. Use of Court Reporter Transcripts.

(a) In all cases, the Court shall have the original transcript available for its own use. No person shall reproduce the original or a copy of the transcript by copy machine or other methods of image production unless specifically authorized by order of Court. Any person

making such a reproduction is liable to the reporter for the cost, and shall be liable for any other costs or damages as provided by law.

(b) The prothonotary, clerk of courts and clerk of orphans' court shall not permit the original transcript or a copy thereof to leave its custody except for use by a judge or by order of Court or to send it to an Appellate Court, as required by law or rules of Court.

[Pa.B. Doc. No. 98-2109. Filed for public inspection December 24, 1998, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Transfer of Attorneys to Inactive Status

Notice is hereby given that the following attorneys have been transferred to inactive status by Order of the Supreme Court of Pennsylvania dated November 9, 1998, pursuant to Rule 219, Pa.R.D.E. The Order became effective December 9, 1998.

Notice with respect to attorneys having Pennsylvania registration addresses, who have been transferred to inactive status by said Order, was published in the appropriate county legal journal.

Martin J. Ahljianian  
Arlington, VA

John Richard Anderson  
Monroeville, WV

Arlindo B. Araujo  
Newark, NJ

Philip Steven Aronow  
Mt. Holly, NJ

Leila M. Baheri  
Vienna, VA

Patricia M. Bailey  
Concord, MA

Thomas A. Bambrough  
Tenafly, NJ

Stephen R. Bassar  
San Diego, CA

Timothy P. Beck  
Warren, NJ

Werten F.W. Bellamy, Jr.  
Morristown, NJ

Michael Vincent Benedetto  
Ocean Township, NJ

Marie-Marcelle Benjamin  
Silver Spring, MD

Susan W. Berson  
New York, NY

Elizabeth Rose Blandon  
Miami, FL

Timothy Joseph Bloh  
Hammonton, NJ

Martin L. Borosko  
Plainsboro, NJ

Paula Angela Borowsky  
West Long Branch, NJ

Michael T. Bourque  
New York, NY

Ivan Brixi McLean, VA	Donna Marie DiChiara Miami, FL
David Michael Brown Endicott, NY	Christopher Aileen Ditunno Boston, MA
James Frederick Brown Moorestown, NJ	Helen C. Dodick Morristown, NJ
Stephen James Buividas Cherry Hill, NJ	Mechelle Evans Maplewood, NJ
Philip Alan Bulliner New York, NY	Suzy Evans Merrick, NY
Douglas David Burgess Wallington, NJ	Joseph G. Fallon Ridgefield Park, NJ
Gregory Busch Bridewater, NJ	Joseph Michael Feeney Atlantic City, NJ
Paul K. Caliendo Belleville, NJ	Jodi R. Feldman Trenton, NJ
Jennifer A. Campbell Washington, DC	George A. Fernandez Medford Lakes, NJ
Francis X. Canuso Cherry Hill, NJ	Keith Finch Tokyo, Japan
Gregory Scott Carter Vienna, VA	Lisa Cheryl Fogel New York, NY
Dawn Marie Cartwright Toms River, NJ	Deanna L. Forbush Las Vegas, NV
Michael Joseph Casey Arlington, VA	Ronald L. Fowler Mitchellville, MD
Bart A. Chase Summit, NJ	Robert M. Friedman Phoenix, AZ
Larry G. Cobb Duluth, GA	Henry Donnell Gamble Durham, NC
Raymond William Cobb Wilmington, DE	Harris F. Goldich Merchantville, NJ 08109
Lisa Carol Cohen Cherry Hill, NJ	Amy C. Grossman Roseland, NJ
Susan Elise Cohen Maple Shade, NJ	Thomas Joseph Gruseck Miami, FL
Frederick Coles III East Orange, NJ	Carol Velasquez Guerrero New York, NY
Dino Samuel Colombo Morgantown, WV	James F. Guidera New York, NY
Theresa Hatfield Cooney Washington, DC	Everna Gwynn-McCray Greensboro, NC
Dana Gail Cornblath Encino, CA	Tiffany L. Hartsell Los Angeles, CA
Cathy Marie Cosgrove South River, NJ	Daniel D. Hediger Paramus, NJ
Donald Richard Daines Ridgefield, CT	Jeremy D. Heep Washington, DC
Richard E. Daniels San Antonio, TX	Alexander Hemsley III North Arlington, NJ
Tammi L. Davidow Atlanta, GA	Dawn Lynn Henry Wilmington, DE
Michael Thomas Dean Alexandria, VA	Reginald Keith Henry Washington, DC
Jennifer Claire Deitchman Smyrna, GA	Keith Michael Hoffman Tampa, FL
John Joseph DiBernardi, Jr. New York, NY	Laurie Hoffman Annapolis, MD

James Elliot Howard  
Brooklyn, NY

James C. Hubbard  
Willingboro, NJ

Vincent J. Hudock, Jr.  
Arlington, VA

Leslie Teresa Jackson  
Washington, DC

Robert K. Jenkins, Jr.  
Washington, DC

Alake Johnson-Ford  
Washington, DC

John W. Jones, Jr.  
Bridgeton, NJ

Timothy Francis Xavier Jones  
New York, NY

David P. Kaplan  
Bethesda, MD

Lawrence Craig Kasmen  
Atlanta, GA

Kathleen R. Kelly  
Naples, FL

Moraima Awilda Kelly  
Carmichael, CA

William M. Kinney  
Red Bank, NJ

Donald Charles Kordich  
Manhattan Beach, CA

Lydia Lakind  
Cherry Hill, NJ

Corey Campbell Lamb  
Chicago, IL

James Lamb  
Jersey City, NJ

Raymond M. Larizza  
Washington, DC

Elizabeth Mary Lascheid  
Los Angeles, CA

Harris Craig Legome  
Mt. Laurel, NJ

Benjamin B. Lessem  
Overland Park, KS

Adam Eli Levy  
High Bridge, NJ

Christopher Joseph Liebman  
Guymon, OK

Quinne Harris Lindsey  
Temple Hills, MD

Stefan Mark Lopatkiewicz  
Washington, DC

Kenneth Maiman  
New York, NY

John Michael Makowski  
Voorhees, NJ

Amy F. Maroney  
Chantilly, VA

Ann R. Martinson  
Wyckoff, NJ

Todd E. Mason  
New York, NY

Elizabeth Kay Maurer  
Bellevue, WA

Harry A. Mazaheri  
New York, NY

Victor Mba-Jones  
Adelphi, MD

Margaret Anne McCarthy  
Gardner, MA

John F. McCourt, Jr.  
Chicago, IL

Michael J. McElhatton  
Haddon Heights, NJ

Donnie R. McFerren  
Memphis, TN

Lisa M. McGrath  
North Andover, MA

James Albert McGuire  
Kingwood, TX

Alexander R. McMullen III  
Towson, MD

Deborah Ann Meaney  
Gaithersburg, MD

Anthony M. Miranda  
Buffalo, NY

Russell F. Moon, Jr.  
Winder, GA

Robert S. Naylor  
Columbus, OH

Douglas David Neustadt  
Washington, DC

Barbara E. Nicastro  
Washington, DC

Chinyere C.M. Nwani  
Washington, DC

Walter Mark Miller O'Brien  
West Trenton, NJ

Clint Edward Odom  
Washington, DC

Richard N. Papper  
New York, NY

Lucas Evelyn Phillips, Jr.  
East Orange, NJ

Katherine Lindsay Pringle  
Washington, DC

Steven M. Prunty  
Morgantown, WV

Leslie A.W. Purdy  
Baltimore, MD

Sylvia Louise Quinton  
Lanham, MD

Edith L. Watson Randall  
Laurel, MD

Thomas Eugene Redmond  
Washington, DC

Robert Edward Reno  
Kew Gardens, NY

Gary A. Robinson  
Naples, FL

Katherine Webster Robinson  
Washington, DC

Chrys A. Rogers  
Macon, GA

Evan S. Rosen  
Middlesex, NJ

Daniel Wesley Roslokken  
Midland Park, NJ

Louis B. Rubin  
San Diego, CA

Roy D. Ruggiero  
Haddonfield, NJ

Esther Salas  
North Brunswick, NJ

Stephen A. Saville  
Voorhees, NJ

Gerard P. Scala  
Point Pleasant, NJ

Keith Schweppenheiser  
Seattle, WA

Daniel Richard Seidberg  
Syracuse, NY

Nicholas Seminara  
Hartford, CT

Tracy L. Sepe  
Owings Mill, MD

David M. Shepard  
Wilmington, DE

Brett D. Sherman  
New York, NY

Kevin McVey Simpson  
Washington, DC

Francine St. Clare  
New York, NY

Geoffrey L. Steiert  
Voorhees, NJ

Michael G. Stern  
Weston, FL

Donald Allen Streater  
Washington, DC

Mark Aaron Talsky  
Irvine, CA

Ronald James Theleen  
White Plains, NY

Damon Paul Tobias  
Washington, DC

Robynn Laurette Van Patten  
Norristown, NJ

Gerard J. Waldron  
Washington, DC

Susan Carol Walker  
Fort Lauderdale, FL

Heidi Ruth Weintraub  
Cherry Hill, NJ

Michael H. Weiss  
Gainesville, FL

Michael Wells  
Alexandria, VA

Daniel E. Whiteley, Jr.  
Cincinnati, OH

Michael Patrick Whitman  
Wilmington, DE

Weldon Calvin Williams III  
Berlin, NJ

Scott J. Wood  
Brielle, NJ

Margaret E. Smith Worland  
Silver Spring, MD

Wendy E. Wunsh  
Washington, DC

Daniel Joseph Zirritth  
Piscataway, NJ

ELAINE M. BIXLER,  
*Executive Director & Secretary*  
*The Disciplinary Board of the Supreme Court of*  
*Pennsylvania*

[Pa.B. Doc. No. 98-2110. Filed for public inspection December 24, 1998, 9:00 a.m.]

### Notice of Transfer of Attorneys to Inactive Status

Notice is hereby given that the following attorneys have been transferred to inactive status by Order of the Supreme Court of Pennsylvania dated November 13, 1998, pursuant to Rule 111(b), Pa.R.C.L.E., which requires that every active lawyer shall annually complete, during the compliance period for which he or she is assigned, the continuing legal education required by the Continuing Legal Education Board. The Order became effective December 13, 1998 for Compliance Group 1 due April 30, 1998.

Notice with respect to attorneys having Pennsylvania registration addresses, who have been transferred to inactive status by said Order, was published in the appropriate county legal journal.

ROBERT R. ANDERSON, JR.  
Arlington, VA

ROBERT J. ANNETT  
Cherry Hill, NJ

THOMAS A. BAMBROUGH  
Tenaflly, NJ

WILLIAM R. BELL  
Brooklyn, NY

MARK E. BELLAND  
Cherry Hill, NJ

MICHAEL VINCENT BENEDETTO  
Ocean Township, NJ

MARJORIE PAIGE BERRY  
Princeton, NJ

JAMES FREDERICK BROWN  
Moorestown, NJ

PHILIP ALAN BULLINER  
New York, NY

C. PETER BURRO  
Somers Point, NJ



FRANCIS X. CANUSO  
Cherry Hill, NJ

KEVIN CARMICHAEL  
Miami, FL

GREGORY SCOTT CARTER  
Vienna, VA

BART A. CHASE  
Summit, NJ

JONATHAN D. CLEMENTE  
Morristown, NJ

LARRY G. COBB  
Duluth, GA

DINO SAMUEL COLOMBO  
Morgantown, WV

LAWRENCE S. COVEN  
Green Brook, NJ

FRANK J. CUCCIO  
Jersey City, NJ

RICHARD E. DANIELS  
San Antonio, TX

SHARON DENEEN DICKERSON  
Turnersville, NJ

HELEN C. DODICK  
Morristown, NJ

ALBERT L. ELDER III  
Washington, DC

JOSEPH M. ENGLISH  
Atlanta, GA

KYRA M. FLEMING  
Youngstown, OH

JAMES A. FOX  
New York, NY

JOSEPH JEROME FRITZEN  
Denville, NJ

JAMES KENNETH FRUEHLING  
Madison, NJ

HARRY FURMAN  
Vineland, NJ

HENRY DONNELL GAMBLE  
Durham, NC

AMY C. GROSSMAN  
Roseland, NJ

THOMAS JOSEPH GRUSECK  
Miami, FL

CLEMON ALEXANDER HAMMIE  
Accokeek, MD

CLARE HARIG-BLAINE  
Annapolis, MD

ALEXANDER HEMSLEY III  
North Arlington, NJ

PATRICK J. HERMESMANN  
Cranford, NJ

JOHN J. HOPKINS III  
Long Branch, NJ

SHAWN D. HUTCHISON  
Blackwood, NJ

AXEL J. JOHNSON IV  
Whitehouse Station, NJ

GEORGIA LENA JONES  
South Orange, NJ

DAVID A. KASEN  
Cherry Hill, NJ

KATHLEEN R. KELLY  
Naples, FL

DONALD CHARLES KORDICH  
Manhattan Beach, CA

SUZANNE M. KOURLESIS  
Marlton, NJ

BERNARD LAMBERT  
Newark, NJ

RAYMOND M. LARIZZA  
Washington, DC

CHRISTOPHER JOHN LEPORATI  
Pennsauken, NJ

CHRISTOPHER JOSEPH LIEBMAN  
Guymon, OK

BRIAN O. LIPMAN  
Livingston, NJ

JAYE ANTOINETTE LOWE  
Washington, DC

KENNETH MAIMAN  
New York, NY

AMY F. MARONEY  
Chantilly, VA

TODD E. MASON  
New York, NY

KEITH G. MATTHEWS  
Brooklyn, NY

VICTOR MBA-JONES  
Adelphi, MD

SUZANNE McCARTHY  
Chicago, IL

MICHAEL J. McELHATTON  
Haddon Heights, NJ

VAUGHN L. McKOY  
Newark, NJ

ALEXANDER R. McMULLEN III  
Towson, MD

BRENDA M. MEARS  
Medford, NJ

DAVID C. MICHAUD  
Burlington, NJ

KEVIN PATRICK NERWINSKI  
Lawrenceville, NJ

BARBARA E. NICASTRO  
Washington, DC

RONALD EDWARD NORMAN  
Blackwood, NJ

KRZYSTZTOF L. NOWAK  
Old Bridge, NJ

D. STEPHEN PEEPELS  
Hong Kong

JOSEPH IVES PICILLO  
Sicklerville, NJ

WAYNE POWELL  
Cherry Hill, NJ

OTTO JOHN PREIKSZAS, JR.  
Boston, MA

GEORGE REESE  
Annandale, VA

ERIC ADAM SAIONTZ  
Baltimore, MD

STEPHEN A. SAVILLE  
Voorhees, NJ

DONALD SCHUCK, JR.  
New York, NY

SCOTT T. SCHWEIGER  
Atco, NJ

SHERRI LEE SCHWEITZER  
Haddon Heights, NJ

RICHARD P. SEARS  
Roseville, MN

DANIEL RICHARD SEIDBERG  
Syracuse, NY

TRACY L. SEPE  
Owings Mills, MD

DANIEL ADAM SHABEL  
Mt. Laurel, NJ

SALVATORE A. SIMEONE  
East Hanover, NJ

JAY BARON SPIRT  
Towson, MD

RONALD JAMES THELEEN  
White Plains, NY

JACQUES ALAN TOLIVER  
Oxon Hill, MD

JOHN WILLIAM TRIMBLE, JR.  
Turnersville, NJ

LILA WYNNE WILLIAMS  
Cherry Hill, NJ

WELDON CALVIN WILLIAMS III  
Berlin, NJ

MICHAEL WOGAN  
W. Collingswood, NJ

ELAINE M. BIXLER,  
*Executive Director & Secretary  
The Disciplinary Board of the  
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 98-2111. Filed for public inspection December 24, 1998, 9:00 a.m.]

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# RULES AND REGULATIONS

## Title 52—PUBLIC UTILITIES

### PENNSYLVANIA PUBLIC UTILITY COMMISSION

#### [52 PA. CODE CH. 57]

[L-970128]

### Advanced Meter Deployment for Electricity Providers

The Pennsylvania Public Utility Commission (Commission) on October 16, 1998, adopted a revised final rulemaking under section 7(c) of the Regulatory Review Act (71 P.S. § 745.7(c)). This revised final rulemaking is to establish uniform procedures, standards and customer education strategies for the deployment and customer selection of a qualified advanced meter or coordination with an electric distribution company installation of a qualified advanced meter network while maintaining system safety and reliability in this Commonwealth. The contact persons are Charles Covage, Bureau of Conservation, Economics and Energy Planning (717) 783-3835 and Stephen Gorka, Law Bureau, (717) 772-8840.

Public Meeting held  
October 16, 1998

*Commissioners Present:* John M. Quain, Chairperson;  
Robert K. Bloom, Vice Chairperson; David W. Rolka;  
Nora Mead Brownell and Aaron Wilson, Jr.

### Revised Final Rulemaking

*By the Commission:*

#### Introduction

On June 8, 1998, both the Senate Consumer Protection and Professional Licensure Committee and the House Consumer Affairs Committee voted to disapprove the final regulations at this docket. On June 18, 1998, IRRC disapproved these final regulations. On September 21, 1998, the Commission received formal notice from IRRC as to the disapproval of the regulations. On September 24, 1998, the Commission provided the Governor, the Senate Consumer Protection and Professional Licensure Committee, the House Consumer Affairs Committee and IRRC with formal notification under section 7(a)(2) of the Regulatory Review Act, of the agency's intention to proceed further with a modified version of the regulation in accordance with section 7(c) of the Regulatory Review Act.

#### History of Proceeding

On December 3, 1996, Governor Tom Ridge signed into law the Electricity Generation Customer Choice and Competition Act (act). The act revised 66 Pa.C.S. (relating to Public Utility Code), by inter alia, adding 66 Pa.C.S. Chapter 28, relating to restructuring of the electric utility industry. 66 Pa.C.S. §§ 2801—2812.

The purpose of the act is to provide for an orderly transition of the electric industry of this Commonwealth from a vertically integrated monopoly to a structure which would support the development of a competitive retail generation market. The ultimate goal is to permit retail electric customers (customers) in this Commonwealth to have direct access to a competitive generation market while simultaneously enjoying continued reliable and safe electric service.

In response to this Legislative mandate, on March 10, 1997, the Commission instituted a rulemaking proceeding to develop regulations which establish uniform procedures, standards and education strategies for the deployment and customer selection of a qualified advanced meter or coordination with an EDC for the installation of a qualified advanced meter network while maintaining system safety and reliability in this Commonwealth. The Commission believes that this structure will facilitate the marketing and deployment of advanced meters.

By order entered April 25, 1997 at Docket M-00960890F0009, the Commission requested comments concerning certain outlined metering questions. The order was distributed to all jurisdictional EDCs, the Office of Consumer Advocate (OCA), Office of Small Business Advocate and Electric Competition Legislative Stakeholders with a 30-day comment period.

Based upon comments received, the Commission promulgated proposed regulations on November 21, 1997, to amend Chapter 57 (relating to electric service) by adding Subchapter O (relating to advanced meter deployment). On January 16, 1998, a copy of the proposed rulemaking was submitted to IRRC and the Chairpersons of the House Consumer Affairs Committee and the Senate Consumer Protection and Professional Licensure Committee. The proposed amendments were published at 28 Pa.B. 493 (January 31, 1998), with a 30-day comment period.

Written comments were received from: the Consumer Advisory Council of the Pennsylvania Public Utility Commission (CAC); CellNet Data Systems Inc. (CellNet); Connex; Energy Monitoring Products Corporation (EMON); ENRON Power Marketing Inc. (ENRON); Environmentalists; the International Brotherhood of Electrical Workers' Pennsylvania Utility Caucus (IBEW); IRRC; ITRON Inc. (ITRON); OCA; the Mid-Atlantic Power Supply Association (MAPSA); New Energy Ventures (NEV); the Pennsylvania Electric Association (PEA); PECO Energy (PECO); the Pennsylvania Gas Association (PGA); Pennsylvania Power and Light Company (PP&L); the Pennsylvania Rural Electric Association (PREA); Representative Frank Tulli; Representative William Lloyd; Senator Allen Kukovich; UGI Utilities, Inc.-Electric Division (UGI); and Williams (an interstate natural gas pipeline company).

The Commission approved the final regulations at this docket on May 14, 1998. On May 18, 1998, the Commission delivered the final regulations to the Senate Consumer Protection and Professional Licensure Committee, the House Consumer Affairs Committee and IRRC.

The Senate Consumer Protection and Professional Licensure Committee and the House Consumer Affairs Committee concerns centered on provisions in the final regulations which:

#### *Added New Language in §§ 57.251 and 57.255(f)*

1. § 57.251—Moreover, while this subchapter does not require the unbundling of meter services to facilitate the deployment and use of advanced metering equipment, nothing in this subchapter precludes the Commission from granting a petition by an EDC or other interested party to unbundle meter services in order to promote competitive services.

2. § 57.255(f)—The EDC's responsibilities described in this section are not applicable to an EDC if the Commis-

sion has issued an order directing the unbundling of meter services in the EDC's service territory.

*Deleted Existing Language in § 57.255*

3. § 57.255—references to "EDC employees" in subsections (b), (d) and (e).

4. § 57.255(d)—An employee of the EDC shall physically read an automated meter in compliance with § 56.12(5)(ii) (relating to remote meter readings).

IRRC's concerns centered on:

*Need for Clarification in §§ 57.253 and 57.257*

1. § 57.253(a)(2)(i)—The Metering Committee will be making a recommendation to the Commission regarding the inclusion of certain technologies in the Advanced Meter Catalog (Catalog);

2. § 57.257(a) and (b)—Dispute resolution options.

*Need for Additional Language in § 57.253*

3. § 57.253(a)(2)(iv)—An EDC will be provided an opportunity to respond to the Metering Committee regarding costs and incompatibility associated with a particular advanced meter request for inclusion in the catalog.

To solicit input from the various stakeholders on the designated standing committees' concerns, the Commission reconvened the Metering Working Group on August 6, 1998. Representatives of EGSs, EDCs, advanced meter companies, the IBEW, the OCA and the American Association of Retired Persons (AARP) were present at this meeting. The Metering Working Group deferred resolution of these issues to the IBEW, PEA and the Commission.

After discussions on the issues of concern to the Senate Consumer Protection and Professional Licensure Committee and the House Consumer Affairs Committee, both the IBEW and PEA agreed to:

*Delete Existing Language in § 57.251*

1. § 57.251—Moreover, while this subchapter does not require the unbundling of meter services to facilitate the deployment and use of advanced metering equipment, nothing in this subchapter precludes the Commission from granting a petition by an EDC or other interested party to unbundle meter services to promote competitive generation services.

*Replace with New Language in § 57.251*

§ 57.251—Nothing in this subchapter will preclude the Commission from approving a restructuring settlement agreement which incorporates advanced meter provisions contrary to the requirements provided in § 57.255. In the event that the Commission takes such action, the EDC and EGS shall be exempt from complying with § 57.255(a)—(g) to the extent necessary to comply with the restructuring settlement agreement. However, under all circumstances, the EDC and EGS shall comply with the remaining sections contained within this subchapter including § 57.255(h).<sup>1</sup>

*Delete Existing Language in § 57.255(f)*

2. § 57.255(f)—The EDC responsibilities described in this section are not applicable to an EDC if the Commis-

<sup>1</sup>The Commission notes that the scenario addressed in this compromise language which opens metering to competition has already occurred in several EDC service territories. Similar outcomes may also occur as a result of other restructuring settlement agreements. The Commission adds that the Metering Working Group, at a meeting held on September 25, 1998, supported the various concepts articulated in the compromise language. Representatives of EDCs, EGSs, IBEW, metering companies, AARP, and the Pennsylvania Utility Law Project were in attendance at this meeting.

sion has issued an order directing the unbundling of meter services in the EDC's service territory.

*Add New Subsection—§ 57.255(h)*

§ 57.255(h)—In the event that the Commission approves a restructuring settlement agreement incorporating EDC metering responsibilities contrary to the provisions in any section of this subchapter, the terms and conditions of such agreement shall, to the extent applicable, govern the EDC responsibilities.

*Delete Existing Language in § 57.255*

3. §§ 57.255(b), (d) and (e)—reference to "EDC employee."

*Add New Subsection—§ 57.255(g)*

§ 57.255(g)—An EDC responsible for providing metering services on a customer's premises shall ensure that the work is done by responsible individuals whose activities in the performance of these services are under the control of the EDC and who are qualified to perform the work according to the EDC's specifications and good utility practices.

*Reinsert Deleted Subsection—§ 57.255(d)*

4. § 57.255(d)—An EDC shall physically read an automated meter in compliance with § 56.12(5)(ii) (relating to physical reads of remote meters).<sup>2</sup>

In response to the concerns of the Senate Consumer Protection and Professional Licensure Committee and the House Consumer Affairs Committee, the Commission hereby adopts the compromise language agreed to by the IBEW and PEA as previously discussed herein.

In addition, as a result of the delays associated with the designated standing committee disapproval and IRRC disapproval and the resubmission process, the Commission modifies the date of the Metering Committee's Initial Report to the Commission to 1999 as provided in § 57.253(a)(3). This change will ensure adequate preparation time for the initial report. The Commission also modifies § 57.252 (Definition of Metering Committee) and § 57.253(a)(1) (Approval of Advanced Meters) to include EDC electrical worker union interests since this group is a stakeholder in metering issues. The PEA concurred that union interests should be included on the Metering Committee.

In response to IRRC concerns we:

*Add New Language in § 57.253*

1. § 57.253(a)(2)(i)—The Committee will include recommendations to the Commission in the catalog for a variety of technologies that support the demands of customers and the services of EGSs expected in the market.

*Delete Existing Subsections—§§ 57.257(a) & (b)*

2. § 57.257(a) and (b)—The Commission already has formal dispute resolution procedures; and

*Add New Language in § 57.253*

3. § 57.253(a)(2)(iv)—Upon receipt of a written request for inclusion of an advanced meter in the Catalog, the Committee shall serve notice on an affected EDC. The EDC shall have 30 days from the date of receipt of the notice to respond to the Committee regarding costs and incompatibility.

To fulfill our Legislative mandate to provide for an orderly transition of the electric industry of this Common-

<sup>2</sup>This subsection now becomes the new § 57.255(e). The present § 57.255(e) becomes the new § 57.255(f).

wealth from a vertically integrated monopoly to a structure which will support the development of a competitive retail generation market, the Commission amends its regulations to facilitate the deployment of advanced metering equipment and the associated development of generation service based upon such technologies while maintaining the safety and reliability of the electric system in this Commonwealth.

The Commission believes that the modifications herein address the concerns of the designated standing committees of the General Assembly and IRRC and moreover are in the public interest. This order sets forth, in Annex A, final regulations governing advanced metering in this Commonwealth.

Accordingly, under sections 501 and 2807(a) and (d) of the Public Utility Code, 66 Pa.C.S. §§ 501 and 2807(a) and (d), and the Commonwealth Documents Law (45 P.S. § 1202 et seq.) and the regulations promulgated thereunder at 1 Pa. Code §§ 7.1—7.4, the Commission adopts the regulations at 52 Pa. Code §§ 57.1—57.141, as noted above and as set forth in Annex A; *Therefore,*

*It Is Ordered:*

1. That this revised final rulemaking containing the response and recommendations of this Commission which includes Annex A, consisting of the final-form regulation and the findings of IRRC shall be served forthwith upon the designated standing committees of each House of the General Assembly, IRRC, the Office of the Attorney General and the Governor's Budget Office.

2) That the regulations of the Commission, 52 Pa. Code Chapter 57, are amended by adding §§ 57.251—57.259 to read as set forth in Annex A.

3) That, upon approval or acquiescence in accordance with 71 P.S. § 745.7(a)(2), the Secretary shall duly certify this order and Annex A and deposit them with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

4) That a copy of this order and Annex A be served upon all jurisdictional electric utility companies, the Office of Consumer Advocate, the Office of Small Business Advocate, and Electric Competition Legislative Stakeholders and all other Commentators.

5) That these final-form regulations shall become effective upon publication in the *Pennsylvania Bulletin*.

*By the Commission*

JAMES J. MCNULTY,  
*Secretary*

(*Editor's Note:* For the text of the order of the Independent Regulatory Commission relating to this document, see 28 Pa.B. 5920 (December 5, 1998).)

**Fiscal Note:** Fiscal Note 57-190 remains valid for the final adoption of the subject regulations.

#### **Annex A**

### **TITLE 52. PUBLIC UTILITIES**

## **PART I. PUBLIC UTILITY COMMISSION**

# **CHAPTER 57. ELECTRIC SERVICE**

## **Subchapter O. ADVANCED METER DEPLOYMENT**

Sec.	
57.251.	Purpose.
57.252.	Definitions.
57.253.	Approval of advanced meters.
57.254.	Advanced meter standards.
57.255.	EDC responsibilities regarding advanced metering.
57.256.	EDC responsibilities regarding network deployment.

57.257.	Disputes concerning advanced metering.
57.258.	Record retention and reporting requirements.
57.259.	Customer education on advanced metering.

### **§ 57.251. Purpose.**

(a) The purpose of this subchapter is to facilitate the deployment of advanced metering equipment and the associated development of generation services based on these technologies. This subchapter establishes a procedure for identifying and providing for customer selection of qualified advanced meters, meter-related devices or deployment of automatic meter reading network equipment from the EDC while maintaining the safety and reliability of the electric system in this Commonwealth. This subchapter does not require the public to participate in an advanced metering program.

(b) This subchapter will not preclude the Commission from approving a restructuring settlement agreement which incorporates advanced meter provisions contrary to the requirements in § 57.255 (relating to EDC responsibilities regarding advanced metering). If the Commission takes this action, the EDC and EGS shall be exempt from complying with § 57.255(a)—(g) to the extent necessary to comply with the restructuring settlement agreement. However, under all circumstances, the EDC and EGS shall comply with the remaining sections contained within this subchapter including § 57.255(h).

### **§ 57.252. Definitions.**

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

*Advanced meter network or network*—A communications infrastructure that upgrades an existing meter system in an EDC service territory to provide for automated meter reading or other services and is used for customer billing.

*Advanced meter standards*—A set of standards which define minimum compatibility, accuracy and functional requirements for an advanced meter, meter-related device or network as applicable.

*Commission*—The Public Utility Commission of the Commonwealth.

*EDC—Electric distribution company*—A public utility providing facilities for the jurisdictional transmission and distribution of electricity to retail customers, except building or facility owners/operators that manage an internal distribution system which serves a building or facility and which supplies electric power and other related electric power services to occupants of that building or facility.

*EGS—Electric generation supplier*—A person or corporation, including municipal corporations which choose to provide service outside their municipal limits except to the extent provided prior to January 1, 1997, brokers, and marketers, aggregators or other entities, that sells to end-use customers electricity or related services utilizing the jurisdictional transmission or distribution facilities of an EDC or that purchases, brokers, arranges or markets electricity or related services for sale to end-use customers utilizing the jurisdictional transmission and distribution facilities of an EDC. The term excludes building or facility owner/operators that manage the internal distribution system serving the building or facility. The term excludes electric cooperative corporations except as provided in 15 Pa.C.S. Chapter 74 (relating to generation choice for customers of electric cooperatives).

*Metering committee or committee*—An advisory body to the Commission which advises on advanced metering matters and which consists of, to the extent possible, an

equal number of representatives of EDCs, EGSs, as well as consumer, environmental and EDC electrical worker union representatives.

*Meter-related device*—A device identified through the process established under this subchapter which may be attached to an existing standard meter that supports the provision of generation services in a competitive market and meets certain advanced meter standards.

*Modify a profile interval*—A function which permits a meter to store information on a variety of subhourly and hourly time intervals.

*Multiple callout capability*—A function which permits more than one party to have remote access to an advanced meter.

*Net incremental cost*—An analysis of the difference between the costs associated with existing standard meters and those with the advanced capabilities of the particular advanced meter or meter-related device at issue. The analysis should take into account the acquisition cost of the meter or meter-related device, including economies of scale, as well as costs associated with its installation, reading and maintenance.

*Password protection*—A function which permits a meter to provide information only to parties with legitimate access rights.

*Pulse output*—A function which permits a meter to provide pulses, when each pulse represents a specific amount of electric usage.

*Qualified advanced meter*—A customer's billing meter identified through the process established under this subchapter that supports the provision of generation services in a competitive market and meets certain advanced meter standards established by the Commission.

*Retail electric customer or customer*—A direct user of electric power as defined by 66 Pa.C.S. § 2803 (relating to definitions).

#### **§ 57.253. Approval of advanced meters.**

(a) A qualified advanced meter, meter-related device or network shall be the customer's billing meter and shall meet certain advanced meter standards established by the Commission according to the following process:

(1) The Office of the Executive Director will appoint and chair a Metering Committee (Committee) composed of, to the extent possible, a balanced number of representatives from EDCs and EGSs, as well as representatives of consumer, environmental and EDC electrical worker union interests. The Committee will be designated an advisory body to the Commission as provided in this subsection.

(2) The Committee will meet as necessary to establish and modify recommendations to the Commission for a catalog of qualified advanced meters, meter-related devices and networks or to review recognized changes and improvements in metering technology.

(i) The Committee will include recommendations to the Commission in the catalog for a variety of technologies that support the demands of customers and the services of EGSs expected in the market. These technologies may include: networks, two-way communication, time of use capabilities, load management, net metering for self-generation and similar services. Qualified advanced meters, meter-related devices and networks shall meet the standards described in § 57.254 (relating to advanced meter standards)

(ii) The Committee will consider applicable technical standards, manufacturers' information, another state's approval of a particular type of meter, meter-related device or network and other appropriate areas in its meter catalog deliberations.

(iii) An interested party shall request, in writing, to have an advanced meter, meter-related device or network to be considered for review by the Committee. The written request shall include a brief description of the subject meter, meter-related device, or network, manufacturers' information, any proposal to use the device other than on a Statewide basis, a statement claiming compliance with applicable standards in § 57.254, and other information necessary for a Committee recommendation.

(iv) Upon receipt of a written request for inclusion of an advanced meter in the Catalog, the Committee shall serve notice on an affected EDC. The EDC shall have 30 days from the date of receipt of the notice to respond to the Committee regarding costs and incompatibility. In the absence of an EDC response to costs and incompatibility, the Committee may assume that the subject device is compatible and incremental costs are de minimis.

(v) The Committee will make a recommendation to the Commission regarding the subject meter, meter-related device or network within 60 days from the date the request is received. The interested party that proposed the meter or device, and any other interested party, shall have 14 days to submit comments to the Commission concerning the Committee's recommendation.

(vi) Upon receipt of the Committee's recommendations, the Commission will serve the recommendations on affected parties consistent with a service list developed by the Office of Executive Director, including all EDCs, the OCA, the Office of Small Business Advocate (OSBA) and the Office of Trial Staff. The Commission will issue a decision regarding approval of the subject meter, meter-related device or network within 60 days of the receipt of the Committee's recommendation.

(3) The Committee will submit a report to the Commission by October 1, 1999, and at least annually thereafter, with its considerations and recommendations.

(4) The Committee shall include in its reports to the Commission facts concerning anticipated net incremental costs of qualified advanced meters or meter-related devices and recommendations concerning the appropriate level and manner of payment of the charges, if any.

(b) Customers or EGSs, or both, shall be responsible for any net incremental costs incurred by the EDC as a result of using a qualified advanced meter or meter-related device.

(1) Customers using a qualified advanced meter or meter-related device may be assessed a bill surcharge by the EDC to cover any net incremental cost associated with the choice to use an advanced meter.

(2) Instead of a customer surcharge, the EGS may pay the EDC for net incremental costs.

(3) The customer and EGS may mutually agree to allocate the charges between them.

(c) Any customer surcharge or EGS payment for qualified advanced meters or meter-related devices shall be incorporated in the tariff of each EDC approved by the Commission.

#### **§ 57.254. Advanced meter standards.**

(a) A qualified advanced meter, meter-related device and a network shall conform to §§ 57.20—57.25 (relating

to meter testing) and the American National Standards Institute Standard C12, as applicable, or as these standards may be updated.

(b) A qualified advanced meter, meter-related device and network shall be the customer's billing meter and shall meet the standards adopted by the Commission from time to time after consideration of the recommendations of the Committee. Qualified advanced meters, meter-related devices or networks shall possess open, nonproprietary communications capabilities to allow both an EGS and an EDC to access information in a standard data format. In addition, a qualified advanced meter, meter-related device or network shall be capable of measuring hourly usage and may support one or more functional requirements, such as the ability to do one or more of the following:

- (1) Modify a profile interval.
- (2) Provide a communications port for a customer to monitor usage.
- (3) Provide a pulse output to allow for usage monitoring.
- (4) Provide password protection.
- (5) Measure in two directions.
- (6) Have multiple callout capability.

(c) Access to meter reading information shall be limited only to the customer, the EDC or the current EGS.

(d) A meter, meter-related device and network that meets the requirements in subsections (a) and (b) shall be considered a qualified advanced meter, meter-related device and network and shall be subject to applicable surcharges and other requirements of this subchapter. The Commission will periodically review and revise these requirements as necessary.

**§ 57.255. EDC responsibilities regarding advanced metering.**

(a) Upon written request from both a customer and the EGS of that customer, the EDC shall make available and install for use a qualified advanced meter or meter-related device. The qualified advanced meter shall be the customer's billing meter and shall meet certain standards established by the Commission in § 57.254 (relating to advanced meter standards).

(b) A qualified advanced meter, meter-related device and network, as well as related infrastructure, shall be owned and operated by the EDC as part of its regulated local distribution function. A network may be owned by an EDC or its chosen network provider. An EDC shall be responsible for compliance with the applicable requirements related to installation, calibration, maintenance, testing, physical reading, safety and reliability, as well as installing and maintaining associated infrastructure as applicable.

(c) An EDC shall provide meter reading for billing purposes except when the customer has chosen to receive a separate generation supply bill from its EGS.

(d) An EDC shall install and make operational a qualified advanced meter or meter-related device within 20 business days from the date the request is received by an EDC.

(e) An EDC shall physically read an automated meter in compliance with § 56.12(5)(i) (relating to remote meter reading; estimated billing; ratepayer readings).

(f) The EDC shall develop a procedure to ensure that qualified advanced meters or meter-related devices are available for installation as required in this subchapter. The EDC may purchase and stock the meters, meter-related devices or may otherwise arrange with EGSs and other EDCs for the most economical way to ensure availability.

(g) An EDC responsible for providing metering services on a customer's premises shall ensure that the work be done by responsible individuals whose activities in the performance of these services are under the control of the EDC and who are qualified to perform the work according to the EDC's specifications and good utility practices.

(h) If the Commission approves a restructuring settlement agreement incorporating EDC metering responsibilities contrary to the provisions in any section of this subchapter, the terms and conditions of the agreement shall, to the extent applicable, govern EDC responsibilities.

**§ 57.256. EDC responsibilities regarding network deployment.**

An EDC may deploy a network for automatic meter reading capability if the following conditions are met:

(1) The network is compatible with market requirements as a qualified advanced meter based on Committee review and recommendations as adopted by the Commission.

(2) The application shall include proposed tariffs concerning any charges for deployment of the network.

(3) The application shall include, at a minimum:

(i) A description of the system.

(ii) Implementation time frame.

(iii) Certification on compliance with applicable standards as provided in § 57.254 (relating to advanced meter standards).

(iv) Implementation costs.

(v) Summary of educational materials on new technologies.

(vi) Impacts on customer electric bills.

(vii) Impacts on existing and anticipated advanced metering equipment and generation services.

**§ 57.257. Disputes concerning advanced metering.**

(a) A dispute between an EDC and a residential or small commercial customer, or between an EGS and a residential or small commercial customer, shall be filed with the Bureau of Consumer Services as an informal complaint for mediation and dispute resolution under §§ 3.111 and 3.112 and 56.161—56.224. The Bureau of Consumer Services will provide a notice of the dispute and notice of the opportunity to participate to the EDC, EGS and to other parties associated with the complaint.

(b) When a customer, applicant or other interested party expresses dissatisfaction with an EDC or EGS decision or explanation of its actions covered by this subchapter, the EDC or EGS shall inform the customer, applicant or other interested party of the right to have the problem considered and reviewed by the Commission as an informal or formal complaint. The EDC or EGS shall explain how to file a complaint and otherwise comply with §§ 3.111, 3.112 and §§ 56.161—56.224.

**§ 57.258. Record retention and reporting requirements.**

- (a) An EDC shall maintain the following records:
  - (1) Updated lists of all qualified advanced meters and meter-related devices.
  - (2) General summary of procedures for advanced meter or meter-related device acquisition and installation.
  - (3) The date of advanced meter purchase request by customer and supplier and date of installation.
  - (4) The summary of qualified advanced meters deployed, including name of manufacturer and serial numbers.
  - (5) The summary of the characteristics and capabilities of each qualified advanced meter deployed.
- (b) An EDC shall retain and make available to the general public upon request information required under subsection (a)(1) and (2). An EDC shall retain and make available to the Commission upon request the information required under subsection (a)(3)—(5). The EDC shall retain the information required under subsections (a)(3)—(5) for 1-calendar year from the date of qualified advanced meter or meter-related device deployment.
- (c) An EDC and EGS shall retain a summary of executed customer terms of service disclosure statements which includes advanced metering provisions as provided in § 57.259 (relating to customer education on advanced metering) and shall be available for Commission review upon request. The EDC and EGS shall retain the summary information regarding an individual customer for a 3-year period commencing from the date of execution of the terms of the service disclosure statement.

**§ 57.259. Customer education on advanced metering.**

- (a) An EDC shall provide an initial summary statement to its customers which describes the availability and general uses of advanced metering. The initial summary statement may be distributed as part of a regularly scheduled customer electric usage bill or other regularly scheduled customer communications as applicable.
- (b) The EGS shall ensure that a customer is informed as to the capabilities, advantages and disadvantages of a qualified advanced meter prior to installation or participation in a generation service program utilizing advanced metering. An EGS shall provide to the customer a terms of service disclosure statement that addresses advanced metering.
- (c) An EDC shall provide, as part of the customer education program, information addressing the use of an advanced meter, basic meter operations and capabilities, advantages and disadvantages of advanced metering, including qualified advanced meter options, applicable costs/surcharges and methods to obtain additional information.
- (d) The informational and promotional materials are required to:
  - (1) Comply with applicable requirements of the act and existing truth-in advertising requirements.
  - (2) Prominently disclose that additional information is available from either the local EDC, the customer's EGS or the Commission.
  - (3) State that the available advanced meters are qualified to meet current Commission performance and technical standards.

[Pa.B. Doc. No. 98-2112. Filed for public inspection December 24, 1998, 9:00 a.m.]



# PROPOSED RULEMAKING

## STATE ETHICS COMMISSION

### Public Meeting; Lobbying Disclosure Regulations

Under the Lobbying Disclosure Act, Act 93-1998, regulations must be drafted and promulgated to carry out the provisions of the law. The Act established a Regulations Committee to accomplish this goal. The committee is comprised of the Chairperson of the Commission, Secretary of Senate, Chief Clerk of the House of Representatives, the Attorney General, the Secretary of the Commonwealth, the Auditor General and the General Counsel, or their respective designees.

The Lobbying Regulations Committee has drafted regulations and will conduct a public meeting in Room 461 Main Capitol Building (Senate Hearing Room), Harrisburg, PA on December 30, 1998, beginning at 10 a.m. for purposes of receiving input and comments regarding the draft Lobbying Disclosure Regulations. Lobbyist, principals, public officials, public employees, organizations and members of the general public may attend.

A copy of the draft regulations developed by the committee may be obtained by contacting the State Ethics Commission at the following telephone numbers.

Persons seeking to testify or present any statement, information or other comments in relation to the Lobbying Disclosure Regulations must contact John J. Contino, Executive Director, State Ethics Commission, at (717) 783-1610 or (800) 932-0936. Testimony or presentations shall be limited to 10 minutes. Ten written copies of any statement must be provided at the time of the meeting.

JOHN J. CONTINO,  
*Executive Director*

[Pa.B. Doc. No. 98-2113. Filed for public inspection December 24, 1998, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD

#### [4 PA. CODE CH. 9]

#### Reorganization of the Department of Corrections

The Executive Board approved a reorganization of the Department of Corrections effective December 10, 1998.

The organization chart at 28 Pa.B. 6310 (December 26, 1998) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

(*Editor's Note:* The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) as a document general and permanent in nature which shall be codified in the *Pennsylvania Code*.)

[Pa.B. Doc. No. 98-2114. Filed for public inspection December 24, 1998, 9:00 a.m.]

## Title 52—PUBLIC UTILITIES

### PENNSYLVANIA PUBLIC UTILITY COMMISSION

#### [52 PA. CODE CH. 69]

[M-950695]

#### Implementation of Omnibus Budget Reconciliation Act of 1993; Delete Radio Common Carrier Policy

The Pennsylvania Public Utility Commission (Commission) adopted an order to adopt a final policy statement to delete § 69.85 (relating to entry requirements for radio common carriers). The basis for this action is Congress' enactment of 47 U.S.C.A. § 332(c)(3)(A) which preempts the states' regulation of entry requirements and rates for commercial mobile radio services. The Policy Statement addressed entry requirements which are no longer applicable given the preemption. The contact person is Terrence J. Buda, Law Bureau, (717) 787-5755.

*Commissioners Present:* John M. Quain, Chairperson; Robert K. Bloom, Vice Chairperson; David W. Rolka, Dissenting; Nora Mead Brownell; Aaron Wilson, Jr.

Public Meeting held  
September 17, 1998

*In Re: Implementation of the Omnibus Budget Reconciliation Act of 1993—Declaratory Order; Interim Rules and Proposed Rulemaking; Inquiry into the Jurisdictional Status of Personal Communications Service/Personal Network Service (PCS/PCN); Doc. Nos. L-00950104; M-00950695*

#### Tentative Order

*By the Commission:*

##### A. Introduction

On June 16, 1995, the Commission entered an order in the above-captioned dockets. As declared in the order, the Commission recognized that it has been preempted by the Omnibus Budget Reconciliation Act (OBRA) of 1993 from

regulating the entry and rates of jurisdictional commercial mobile radio carriers, retaining only the responsibility to regulate the quality of radio services within its jurisdiction. Consequently, Commission staff was directed to rescind all certificates of public convenience and to cancel all Commission-approved and issued tariffs to radio common carriers.<sup>1</sup> Instead, the Commission directed all radio carriers to file completed information sheets with the Tariff Division, along with their most recent Federal Communications Commission (FCC) annual report. New entrants were also directed to file the completed information sheet. An updated information sheet and FCC tariff are also to be filed annually by each jurisdictional radio carrier (June 16, 1995 Order, pages 9–12).

In addition to these directives, a proposed rulemaking at Docket No. L-00950104 was opened to amend regulations so as to codify the interim requirements established in the order. Finally, the Commission solicited public comment at Docket No. M-00950695 regarding the issue of whether PCS/PCN<sup>2</sup> providers fall within the definition of "public utility" in 66 Pa.C.S. § 102.

On June 27, 1995, the proposed regulation was approved for form and legality by the Office of Attorney General. On August 12, 1995, the proposed regulation was published at 25 Pa.B. 32, and a 30-day comment period set.<sup>3</sup> Comments to the rulemaking were filed by the Independent Regulatory Review Commission (IRRC), Modern Communications Corporation (MCC), AT&T Wireless Services, Inc. (AT&T Wireless), and Metrocall, Inc. (Metrocall). Comments to the PCS/PCN jurisdictional issue were filed by PageMart II and its affiliate, PageMart PCS, Inc. (together PageMart), Sprint Telecommunications Venture and Phillie Co., L.P. (jointly STV), Omnipoint Communications, Inc. (Omnipoint), the Office of Consumer Advocate (OCR) and, again, MCC, AT&T Wireless, and Metrocall.

The close of the public comment period occurred on September 11, 1995. The Regulatory Review Act<sup>4</sup> requires an agency to submit its final-form regulations to IRRC and the standing committees within 2 years following the close of the public comment period.<sup>5</sup> Given the dynamics of the telecommunications industry and these wireless markets, that did not occur for L-00950104. Therefore, if an agency does not submit the final-form regulation within the 2-year time frame, it must republish the regulation as a new rulemaking and set a new public comment period. The purpose of this order is to decide whether PCS/PCN providers are jurisdictional public utilities, and whether or not to republish the regulation.

##### B. General Background

In Pennsylvania, commercial mobile radio service (CMRS) providers are commonly referred to as radio common carriers (RCCs) or radio carriers, and have traditionally been regulated by the Commission as public utilities since they fall within the definition of "public utility" under Section 102 of the Public Utility Code, 66 Pa.C.S. § 102, which includes the following services:

<sup>1</sup> We also concluded that the OBRA preemption affected the exercise of other provisions of the Public Utility Code, such as stock and asset transfers, affiliated interest requirements, and securities regulation requirements. Finding that these provisions of the Public Utility Code involve entry or rate regulation, the regulatory approvals or requirements were eliminated (June 16, 1995 Order, page 10).

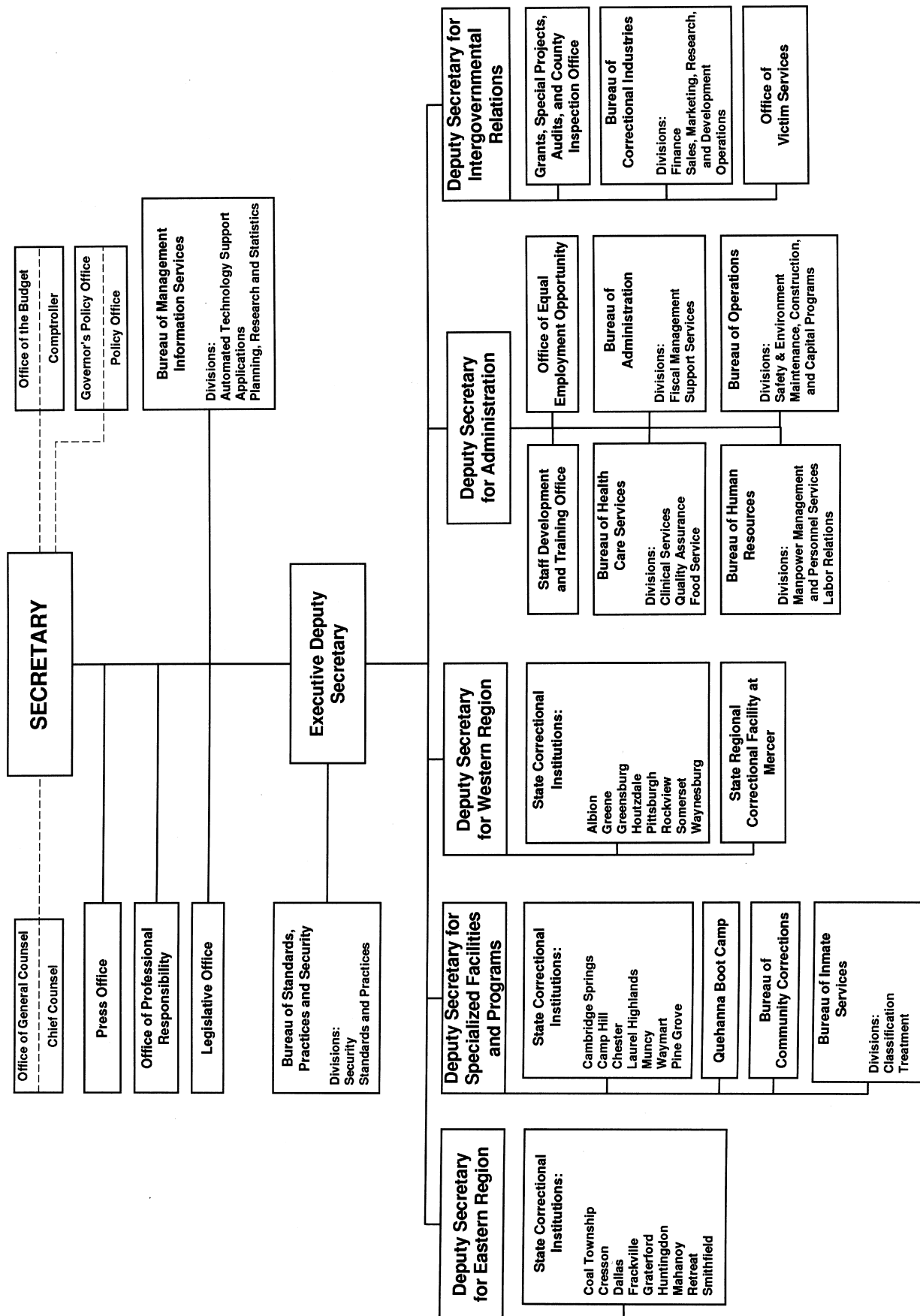
<sup>2</sup> Personal Communication Services/Personal Communication Networks.

<sup>3</sup> A 30-day comment period was also set for the PCS/PCN jurisdictional issue.

<sup>4</sup> 71 P.S. §§ 745.2–745.15.

<sup>5</sup> 71 P.S. § 745.5a.(a).

## DEPARTMENT OF CORRECTIONS



(vi) Conveying or transmitting messages or communications by telephone or telegraph or domestic public land mobile radio service including, but not limited to, point-to-point microwave radio service for the public for compensation.

However, both State and Federal activity in the 1980s and 1990s have significantly restricted the Commission's regulation in this area.

In 1982, Congress enacted the Communications Amendments Act of 1982 which amended the Communications Act of 1934, 47 U.S.C.A. §§ 151, et seq. Through Federal preemption, the 1982 amendments to the Communications Act significantly decreased the Commission's regulation of commercial mobile radio services by eliminating the regulation of private land mobile services which would otherwise be regulated under Pennsylvania law.

On August 10, 1993, the OBRA was enacted into Federal law. Section 6002(c)(3) of the OBRA amended 47 U.S.C.A. § 332 so as to redefine State authority over commercial mobile radio services. The relevant provision of 47 U.S.C.A. § 332(c)(3)(A), as amended, provides as follows in relevant part:

Notwithstanding sections 152(b) and 221(b) of this title, no state or local government shall have any authority to regulate the entry of or the rates charged by any commercial mobile service or any private mobile service. Except this paragraph shall not prohibit a state from regulating the other terms and conditions of commercial mobile services.

The phrase "other terms and conditions" is generally referred to as residual regulation, such as quality of service, including customer billing. The rate preemption became effective 1 year from enactment or on August 10, 1994. Furthermore, states which at the time of enactment regulated some or all commercial mobile radio markets were given the opportunity to file by no later than August 10, 1994, an application with the FCC to continue to regulate rates.<sup>6</sup> The Commission declined to exercise its discretion to file the State application with the FCC.

At the State level, effective May 6, 1984, the Public Utility Code was amended to create an exception to the Commission's jurisdiction over commercial mobile radio carriers. Under this enactment, the definition of "public utility" in 66 Pa.C.S. § 102 under subsection (1)(vi) was amended by subsection (2)(iv) to exclude the following service providers:

Any person or corporation, not otherwise a public utility, who or which furnishes mobile domestic cellular radio telecommunications service.

Given the Federal preemption and the cellular exemption in the Public Utility Code, the Commission's remaining jurisdiction pertained primarily to one-way paging systems, although a very limited number of two-way radio systems continued to be regulated, for example, integrated mobile telecommunications systems. The remaining jurisdictional radio carriers continued to be regulated as public utilities and, as a general rule, remained legally bound to all State regulatory requirements. However, as a practical matter, since 1984, in recognition of an increasingly competitive environment and the nonessential na-

ture of the services, the Commission has relaxed regulation over RCCs and has not actively regulated a radio carrier's rates.<sup>7</sup>

On October 1, 1993, Bell Atlantic-Pennsylvania, Inc. (BA-PA) filed a petition for an alternative form of regulation under Chapter 30 of the Public Utility Code, 66 Pa.C.S. §§ 3001, et seq. As part of its alternative regulation petition, BA-PA requested that the Commission designate its paging services as competitive services. Services are to be deemed competitive if they meet the detailed evidentiary criteria established at Section 3005(a)(1). Under Section 3009(f), services classified as competitive are exempt from Commission rate regulation. The Commission approved with modifications BA-PA's alternative regulation plan. As part of approval of the plan, the Commission classified BA-PA's paging services as competitive and, pursuant to such classification, BA-PA's paging services were exempt from future Commission rate regulation.

#### C. June 16, 1995 Order

##### 1. Proposed Rulemaking

In the June 16, 1995 Order (page 8), the Commission noted that uncertainty remains regarding what, if any, jurisdiction over radio carriers remains residual to the preempted entry and rate regulation. Furthermore, the Commission recognized that it had not given the industry guidance regarding the nature of any future residual regulation. Through the June 16, 1995 Order, the Commission attempted to resolve this uncertainty over the application of the OBRA preemption.

Annex A to the June 16, 1995 Order was intended to implement the Federal preemption. First, the Annex proposes to eliminate the Policy Statement on Radio Common Carrier Entry Requirements which is codified under § 69.85 (relating to entry requirements for radio common carriers). Clearly, the Federal preemption of entry requirements compelled the Commission to remove any entry requirements imposed on radio common carriers. Annex A also includes § 55.150, which proposes regulation of the "quality of service provided to the public by radio common carriers or commercial mobile radio services." The regulation also proposes that each carrier annually file a form with basic information and accompany the form with a copy of the FCC annual report. Finally, new entrants are also required to file the completed form and annual report.

In initially proposing these regulations, the Commission recognized in the order (page 13) that while the OBRA limited its regulation of this particular industry, radio common carriers are still jurisdictional public utilities under State law, and Federal law still allows for Commission jurisdiction to regulate quality of service. Moreover, the Commission submitted that the filing requirements are merely ministerial tasks that do not rise to the level of an entry requirement. The original justification for imposing residual regulation of this industry was stated as follows:

As applied to Pennsylvania law, we have found that residual regulation imposes a continuing responsibility on the Commission to regulate the quality of mobile radio service. Given the foregoing, it is clear to us that 66 Pa.C.S. § 510 continues to impose on commercial mobile radio service providers the obligation to pay annual utility assessments.

<sup>6</sup> The standard for FCC rate application review is set forth at 47 U.S.C.A. § 332(c)(3)(A)(ii) and rests primarily upon whether the radio service is competitive and whether the service is relied upon by consumers as a replacement service for telephone exchange service.

<sup>7</sup> For example, it appears that the Commission has not suspended an RCC tariff filing since at least the mid 1980s.

(June 16, 1995 Order, page 13).

Given the competitive climate that pervades the entire telecommunications industry, it may be appropriate to change the Commission's regulatory perspective when it comes to the radio common carrier segment of the industry. Certainly, commentators to the 1995 rulemaking seek such a result.

## 2. PCS/PCN

The June 16, 1995 Order also raised the issue of jurisdiction over new radio technology which is provided to consumers as personal communications services and will be provided over a newly developed and constructed personal communications network. It was the Commission's understanding that these services (PCS/PCN) would eventually be marketed as comprehensive communications services which allow a consumer to combine his home, business, car and mobile communications services over a single network and one telephone number. At that time, it was the Commission's opinion that these cellular services, provided through the use of a completely separate telephone number, were only to be utilized by consumers when they did not have access to their primary home or business telephone service. However, we postulated that the technology was intended for much broader usage, including a potential replacement for all voice grade services for some consumers (June 16, 1995 Order, pages 13—14).

The Commission acknowledged that PCS/PCN technology resembles cellular technology, but noted that the services are provided over a different radio frequency spectrum which is separately licensed by the FCC as a distinct radio service. PCS/PCN has been characterized as "digital" cellular because of similarities in operation and similarities in function from the user's standpoint. PCS/PCN is used in more concentrated urban areas where the cells/towers are smaller and more compact as opposed to standard cellular with cells/towers that cover relatively larger areas.

We raised the issue that since PCS/PCN services could replace all voice grade services for some customers, the cellular statutory exception in Section 102 should not be extended to apply to PCS/PCN services. In the order, the Commission also recognized that at the time, the PCS/PCN services had not yet appeared in the marketplace. Finally, the Commission recognized that even if it determined that PCS/PCN service was jurisdictional, the OBRA preemption would limit Commission jurisdiction to regulating quality of service (June 16, 1995 Order, pages 14—15).

## D. Comments to the Proposed Rulemaking

AT&T Wireless' comments generally questioned the necessity for filing annual information reports, particularly when other competitors such as cellular carriers and PCS/PCN operators are not required to do so. MCC questions whether any customer billing dispute or consumer protection matter relating to paging service was ever raised before the Commission. Furthermore, MCC raises the question whether the Commission has ever had to address the issue of quality of service for mobile radio service. Finally, MCC asserts that the filing forms are outdated and a complete waste of time. MCC believes that customer choice in the marketplace is the incentive for paging companies to provide quality service.

IRRC notes that Representative Kathrynann W. Durham, Chairperson of the House Consumer Affairs Committee, questioned the necessity to implement residual regulation of radio paging service given the highly

competitive nature of the industry. Such regulation, which has not been an issue in the past, would cause unnecessary additional paperwork for Commission staff and paging service providers. IRRC also questions the need for residual regulation for radio paging services noting that its discussions with Commission staff did not indicate any history of quality of service complaints. Therefore, IRRC would limit the information filings to a minimum of information the Commission may need to identify RCCs. IRRC agreed with other commentator's concerns with the reporting requirements. IRRC also took issue with the filing requirements taking effect before the regulation completes the regulatory review process.

IRRC further requests clarification of the categories of paging services that will be required to comply with the Commission's filing requirements. IRRC submits that guidelines should be included in the regulation and recommends that definitions for RCC and CMRS must be added to the section.

According to Metrocall, Pennsylvania's least competitive RCC service, cellular, has a statutory exemption from regulation whereas radio paging will continue to be regulated as proposed in the June 16, 1995 Order, which is also allegedly contrary to the majority of State regulatory schemes. Metrocall considers service quality regulations to be unnecessary, and believes that even the FCC has done away with filing annual reports for RCCs more than 10 years ago. Furthermore, Metrocall opines that the quality of paging services is regulated by competition and the ability of consumers to choose from a large number of competitively priced service offerings. Moreover, since the FCC still regulates CMRS paging companies as common carriers, paging customers can take their formal or informal complaints concerning rates and service, which would include billing, to the FCC. Metrocall also points out that making judgments concerning the "quality" of paging services will be difficult for the Commission.

Finally, Metrocall believes it is apparent that customers are flocking to use paging and cellular mobile services for both business and personal use, and these are now essential rather than luxury services. Just like cellular carriers, but unlike local telephone monopolies, Metrocall notes that paging carriers compete for customers in every market in this Commonwealth. In short, Metrocall asserts that paging services should be entitled to the same exemption from utility regulation as cellular.

## E. PCS/PCN Comments

PageMart first disagrees with the view that, unlike a luxury service like cellular, PCS/PCN is intended for broader usage, perhaps a potential replacement for all voice grade services. PageMart contends that cellular is geared toward a mass market and will be a chief competitor of PCS/PCN.

PageMart submits that the FCC's creation of a regulatory framework for new and emerging wireless services under the category of CMRS was intended to cover the use of different spectrum bands which provide a wide range of services such as traditional two-way radio services utilizing frequency bands in the 150 MHz and 450 MHz range, one-way paging services utilizing 150, 450 and 900 MHz bands, cellular telephone service utilizing the 800/900 MHz bands and the emerging narrowband and broadband personal communications services utilizing spectrum at the 2,500 MHz band. According to PageMart, if the potential of these services is to be realized, regulatory parity must be maintained. PageMart

asserts that cellular and PCS will be competitors in a mass market and a level playing field should be created. Therefore, PageMart urges the Commission not to establish jurisdiction over PCS/PCN.

STV maintains that mobile domestic cellular radio telecommunications service describes PCS, and should thus be exempted from Commission jurisdiction. STV explains that service provided over the PCS spectrum that can be used while the customer is moving, is a domestic, as opposed to international service, and uses cellular technology.<sup>8</sup> Therefore, STV argues that mobile radio service provided over the PCS spectrum should not be treated differently than existing cellular services. STV believes that the Commission will be handicapping the new entrants in the competitive marketplace. Finally, STV notes that under Section 332(c)(3)(A) of the Communications Act,<sup>9</sup> State regulation can be revisited when a CMRS service is "a substitute for land line telephone exchange service for a substantial portion of the communications within the state."

AT&T Wireless also takes the position that the Commission should accord similar regulatory treatment to PCS/PCN and cellular services as competing services within the broader definition of CMRS. More specifically, AT&T Wireless submits that the legislative record in both the Senate and House confirms that this exception to the definition of "public utility" in the Public Utility Code was intended to cover services beyond what were then known as mobile cellular telephones. According to AT&T Wireless, the record demonstrates that the Senate anticipated application of radio technology to residences, like PCS/PCN services. Moreover, AT&T Wireless submits that the Commission has overlooked the similarities between these competing services which intend the use of radio spectrum, with speed mobility, frequency reuse and cell-to-cell hand-off, and roaming. In other words, AT&T Wireless sees PCS as cellular at a different location on the radio frequency spectrum. Finally, AT&T Wireless emphasizes that even if the Commission has questions about the application of the cellular exemption to PCS/PCN, the spirit of the change to the definition of "public utility" in 1984 evidences sentiment against any level of regulation in this area.

However, Metrocall believes that PCS is not necessarily another "cellular-like" service, and since PCS is in developmental stages, it is risky to predict the nature and cost of PCS services. In any event, Metrocall offers that existing paging and cellular companies will be aggressively competing against PCS providers for wireless customers, for both business and personal needs. Metrocall believes that PCS, like paging and cellular, will be a highly competitive, nonmonopolistic CMRS service offering. Therefore, Metrocall recommends that the Commission should allow marketplace forces to dictate the quality of PCS services.

The OCA is concerned with the regulation of PCS/PCN technology to the extent that such technology will displace the provision of local exchange service by wireline carriers. Therefore, the OCA believes that the Commission should not take any action so as to relinquish jurisdiction over such services while there remains the possibility that such technology may become the means of delivering basic telephone service. Considering that the

FCC has classified PCS as a form of commercial mobile radio service, 47 CFR § 20.9(11), the OCA notes that Congress reserved the authority of state regulatory commissions to regulate some commercial mobile radio services where it is necessary for a state commission to ensure universal service at affordable rates. 47 U.S.C.A. § 332(3)(A). The OCA stresses that it is market power over the provision of service that will necessitate the continued regulation of the price of that service. In conclusion, the OCA believes that the lack of effective competition for a service is more important than the manner in which that service is transmitted.

Omnipoint also urges the Commission to refrain from adopting a disparate regulatory approach among mobile service providers which would give incumbent cellular providers a competitive advantage over PCS entrants, thereby impeding the development of competition from mobile service. Therefore, Omnipoint believes that the public interest is best served by broadly interpreting the "public utility" exemption to include both cellular and PCS providers. Finally, Omnipoint maintains that in passing Chapter 30 of the Pennsylvania Code, 66 Pa.C.S. §§ 3001, et seq., the Legislature codified the State's regulatory goals of encouraging "the provision of competitive services by a variety of service providers," and, "the competitive supply of any service in any region where there is market demand."

66 Pa.C.S. § 3001(7) and (8).

#### F. Discussion

The Commission must first decide whether or not to republish the regulation. Once decided, that resolution may portend the decision to be reached on the second issue—jurisdiction over PCS/PCN providers.

It has been approximately 3 years since the Commission has revisited this matter. Therefore, the June 16, 1995 Order could not have reflected the passage and implementation of the Telecommunications Act of 1996 (TA-96), 47 U.S.C.A. §§ 251, et seq., which was enacted February 8, 1996. The purpose of TA-96 is "to provide for a pro-competitive, deregulatory national policy framework designed to accelerate rapidly private sector deployment of advanced telecommunications and information technologies and services to all Americans by opening all telecommunications markets to competition. . . ."<sup>10</sup> Although TA-96 does not address the commercial mobile radio carrier industry,<sup>11</sup> the direction set by Congress cannot be denied. Moreover, the regulatory goal in this Commonwealth, as set forth by Chapter 30, is to encourage competition in the provision of telecommunications services.

The general sentiment of the commentators to the 1995 rulemaking is that the quality of paging services will be regulated by the large number of competitors who can offer competitively priced services should a customer be dissatisfied with his current provider of paging services. In fact, the Commission acknowledged in its June 16, 1995 Order that this environment existed even then. Given the competitive market for paging services, the Commission has not effectively regulated rates going as far back as 1984 (June 16, 1995 Order, pages 6–7). Moreover, certain commentators questioned whether billing disputes or quality of service complaints were ever raised before the Commission.

<sup>10</sup> Congressional Conference Report accompanying S. 652.

<sup>11</sup> Under the "Removal of Barriers to Entry" section of TA-96, special provision is made for radio carriers recognizing that the section did not "affect the application of section 332(c)(3) to commercial mobile service providers." 47 U.S.C. § 253(e).

<sup>8</sup> STV explains that cellular technology is a wireless network topology where radio cells are connected to a mobility switch that allows the user to originate and terminate service in any interconnected cell and also allows transfer of calls as a customer moves through cells. While PCS uses a different portion of the radio spectrum, STV submits that it uses the same types of radio technologies as are being implemented for other cellular services.

<sup>9</sup> 47 U.S.C. § 332(c)(3)(A).

The Commission must agree with the commentators that it does not receive billing or quality of service complaints on a formal or informal level. Whether or not the competitive environment for paging services is the reason, it appears that quality of service for the paging industry is not a matter that needs regulatory control. Consequently, the Commission finds that it is no longer necessary for providers of paging services to file the information forms and impose upon these commercial mobile radio service providers the obligation to pay annual utility assessments.

As a result of the Commission's decision, radio carriers will now be completely exempt from Commission regulations. In consideration of its decision on the paging industry, the Commission shall similarly decline to embark on regulating PCS/PCN services. To so do would surely create an unlevel playing field by regulating an industry that competes with radio carrier services which will go unregulated.

Essentially, the commentators argue that PCS providers should not be treated differently than cellular since cellular services are similar competing services. While we can agree that the cellular and digital cellular services compete for some of the same customers, the radio technology is clearly different and PCS/PCN can provide more comprehensive services at this time. However, the technologies can provide overlapping services and paging and cellular companies compete against PCS providers for wireless customers. A cursory review of the yellow pages in the Harrisburg market supports this competition.

PCS can provide phone service, paging, fax and voice mail whereas standard cellular can also provide phone, paging and voice mail service just as other mobile systems can provide paging and voice mail. To the extent that the Commission has concerns that this technology has displaced the provision of land line telephone exchange service, it has the ability to file a petition with the FCC to regulate the rates for any commercial mobile service. 47 U.S.C.A. § 332(c)(3)(A).

#### G. Conclusion

In summary, the Commission shall decline to regulate the terms and conditions of commercial mobile services as contemplated by 47 U.S.C.A. § 332(c)(3)(A) given the competitive market for these services. Therefore, the Commission shall decline to republish its proposed regulations at Docket No. L-00950104. The interim rules requiring commercial mobile radio carriers to file completed information forms along with FCC annual reports are, therefore, no longer in effect. Furthermore, to the extent the Commission receives informal or formal complaints involving quality of radio carrier services, it shall refer complaining customers to the FCC. Moreover, the Commission shall delete the policy statement on radio common carrier entry requirements in § 69.85. A statement of policy is not a regulation, but merely a government agency's statutory interpretation. *Central Dauphin*

*School District v. Department of Education*, 608 A.2d 576 (Pa. Cmwlth. 1992). Therefore, it will not be necessary to republish the proposed rulemaking to remove the policy statement from 52 Pa. Code. We shall merely instruct the Legislative Reference Bureau to delete § 69.85.

Finally, given the decision to refrain from regulating radio carrier services, the Commission shall decline to regulate the terms and conditions of PCS/PCN service; *Therefore,*

#### *It Is Ordered That:*

1. The proposed rulemaking at Docket No. L-00950104 is hereby marked closed.
2. The interim rules set forth at Docket No. L-00950104 are hereby revoked.
3. The policy statement on radio common carrier entry requirements in § 69.85 shall hereby be deleted and the Legislative Reference Bureau informed of our action.
4. The Secretary shall submit this order and Annex A to the Governor's Budget Office for review of fiscal impact.
5. Personal Communication Services provided over Personal Communication Networks are hereby declared to be nonjurisdictional, and Docket No. M-00950695 is hereby marked closed.
6. All persons having an interest in this proceeding shall have 20 days, from the date of entry of this tentative order, within which to file a response to this tentative order.
7. Absent adverse comment within the 20-day comment period, this tentative order shall then become final without further order of this Commission.
8. A copy of this tentative order be served on the Office of Consumer Advocate, the Small Business Advocate, all commentators, and all Pennsylvania local exchange carriers.

JAMES J. MCNULTY,  
*Secretary*

**Fiscal Note:** 57-200. No fiscal impact; (8) recommends adoption.

#### **Annex A**

#### **TITLE 52. PUBLIC UTILITIES**

#### **PART I. PUBLIC UTILITY COMMISSION**

#### **Subpart C. FIXED SERVICE UTILITIES**

#### **CHAPTER 69. GENERAL ORDERS, POLICY STATEMENTS AND GUIDELINES ON FIXED UTILITIES**

#### **§ 69.85. (Reserved).**

[Pa.B. Doc. No. 98-2115. Filed for public inspection December 24, 1998, 9:00 a.m.]

# NOTICES

## DELAWARE RIVER BASIN COMMISSION

### Notice of Public Hearing and Special Commission Meeting

The Delaware River Basin Commission (Commission) will hold a public hearing and meeting for business on January 5, 1999, at 10 a.m. in the Goddard Conference Room of the Commission's offices at 25 State Police Drive, West Trenton, New Jersey.

#### *Possible Drought Emergency Declaration*

Section 10.4 of the Delaware River Basin Compact provides that in the event of a drought or other condition which may cause an actual and immediate shortage of available water supply within the Basin, or within any part thereof, the Commission may, after public hearing, determine and delineate the area of the shortage and

declare a water supply emergency therein. For the duration of the emergency, the Commission could limit the extent to which water users may divert or withdraw water for any purpose. The Commission is considering whether current and developing conditions of water supply and demand require the declaration of a water supply emergency.

The purpose of this hearing is to permit the public to comment on these matters and to make any suggestions or recommendations concerning possible Commission actions.

There will be a business meeting of the Commission immediately following the hearing to consider possible Commission actions relating to the drought situation.

SUSAN M. WEISMAN,  
*Secretary*

[Pa.B. Doc. No. 98-2116. Filed for public inspection December 24, 1998, 9:00 a.m.]

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending December 15, 1998.

### BANKING INSTITUTIONS

#### Conversions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-15-98	Southwest National Bank of Pennsylvania Greensburg Westmoreland County <i>To:</i> Southwest Bank Greensburg Westmoreland County Application represents conversion from a Nationally-chartered banking institution to a State-chartered banking institution.	Greensburg	Approved
12-15-98	Iron Workers' Savings and Loan Association Aston Delaware County <i>To:</i> Iron Workers Savings Bank Aston Delaware County Application represents conversion from a State-chartered mutual savings association to a State-chartered mutual savings bank.	Aston	Approved

#### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-10-98	Jonestown Bank and Trust Company Jonestown Lebanon County	1765 Quentin Road Lebanon North Cornwall Twp. Lebanon County	Opened



<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-15-98	1st Summit Bank Johnstown Cambria County	404 N. Center Avenue Somerset Somerset County	Approved
12-15-98	The Fidelity Deposit and Discount Bank Dunmore Lackawanna County	4010 Birney Avenue Moosic Lackawanna County	Approved

**Branch Relocations**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-7-98	Northern Central Bank Williamsport Lycoming County	<i>To:</i> Dandy Mini-Mart Rte. 187 (Main St.) Rome Bradford County  <i>From:</i> Main Street Rome Bradford County	Effective

**SAVINGS ASSOCIATIONS**

No activity.

**CREDIT UNIONS****Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
12-14-98	Pennsylvania State Employees Credit Union, Harrisburg, and E.U.P. Employees Federal Credit Union, Edinboro Surviving Institution— Pennsylvania State Employees Credit Union, Harrisburg	Harrisburg	Filed
12-15-98	Philadelphia Telco Credit Union, Trevose, and Connelly Container Credit Union, Bala Cynwyd Surviving Institution— Philadelphia Telco Credit Union, Trevose	Trevose	Filed

RICHARD C. RISHEL,  
*Secretary*

[Pa.B. Doc. No. 98-2117. Filed for public inspection December 24, 1998, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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#### APPLICATIONS

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#### APPLICATIONS RECEIVED UNDER THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

[National Pollution Discharge Elimination System Program (NPDES)]

#### DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

##### (Part I Permits)

The following parties have applied for an NPDES permit to discharge controlled wastewaters into the surface waters of this Commonwealth. Unless otherwise indicated on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection (Department) proposes to issue a permit to discharge, subject to certain effluent limitations and special conditions. These proposed determinations are tentative.

Where indicated, the EPA, Region III, Regional Administrator has waived the right to review or object to this proposed permit action under the waiver provision 40 CFR 123.6E.

Persons wishing to comment on the proposed permit are invited to submit a statement to the office noted above the application within 30 days from the date of this public notice. Comments received within this 30-day comment period, will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the responsible office considers the public response significant.

Following the 30-day comment period, the Water Management Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The application and related documents, proposed effluent limitations and special conditions, comments received and other information are on file and may be inspected and arrangements made for copying at the office indicated above the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodations to participate in the proceeding, should contact the Secretary to the Board at (717) 787-3483. TDD users may contact the Department through the Pennsylvania AT&T Relay service at (800) 654-5984.

#### **Applications for National Pollutant Discharge Elimination System (NPDES) permit to discharge to State waters.**

*Southeast Regional Office: Regional Manager, Water Management, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-6130.*

**PA 0057614.** Sewage, **David and Donna Rosenberger**, 6 Rosenberger Drive, Hilltown Township, Perkasie, PA 18944.

This application is for issuance of an NPDES permit to discharge treated sewage from the Rosenberger Residence STP in Hilltown Township, **Bucks County**. This is a new discharge to unnamed tributary of Morris Run.

The receiving stream is classified for the following uses: trout stocking fishery, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on an average flow of 400 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	10	20
Suspended Solids	20	40
Total Residual Chlorine	monitor/report	monitor/report
Fecal Coliform	200 colonies/100 ml as a geometric average	
pH	within limits of 6.0—9.0 standard units at all times	

*Other Conditions:*

The EPA waiver is in effect.

**PA 0056758.** Sewage, **Warrington Township**, 852 Easton Road, Warrington, PA 18976.

This application is for re-rate of an NPDES permit to discharge treated sewage from the Tradesville STP in Warrington Township, **Bucks County**. This is an existing discharge to Mill Creek.

The receiving stream is classified for the following uses: trout stocking fishery, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on an average flow of 0.33 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>		
(5-1 to 10-31)	20	40
(11-1 to 4-30)	25	50
Suspended Solids	30	60
Ammonia (as N)		
(5-1 to 10-31)	1.5	3.0
(11-1 to 4-30)	4.5	9.0
Nitrate and Nitrate (as N)		
(4-1 to 10-31)	9.5	19.0
Phosphorus (as P)		
(4-1 to 10-31)	2.0	4.0
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 5.0 mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	
Total Copper	monitor/report	monitor/report
Dissolved Copper	monitor/report	monitor/report

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Lead	monitor/report	monitor/report
Dissolved Lead	monitor/report	monitor/report
Hardness as CaCO <sub>3</sub>	monitor/report	monitor/report

The EPA waiver is in effect.

**PA 0055344.** Sewage, **Upper Makefield Township**, 1076 Eagle Road, Newtown, PA 18940.

This application is for renewal of an NPDES permit to discharge treated sewage from small flow sewage treatment plant in Upper Makefield Township, **Bucks County**. This is an existing discharge to dry swale to unnamed tributary of Jericho Creek.

The receiving stream is classified for the following uses: warm water fishery, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on an average flow of 400 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>		
(5-1 to 10-31)	10	20
(11-1 to 4-30)	20	40
Suspended Solids	10	20
Ammonia (as N)		
(5-1 to 10-31)	3.0	6.0
(11-1 to 4-30)	9.0	18.0
Total Residual Chlorine	monitor/report	monitor/report
Fecal Coliform	200 colonies/100 ml as a geometric average	
pH	within limits of 6.0—9.0 standard units at all times	

The EPA waiver is in effect.

**PA 0050644.** Industrial waste, **Borough of East Greenville**, Fourth and Washington Streets, East Greenville, PA 18041.

This application is for renewal of an NPDES permit to discharge treated process wastewater from a water filtration plant in Upper Hanover Township, **Montgomery County**. This is an existing discharge to Perkiomen Creek.

The receiving stream is classified for the following uses: trout stocking fishery, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on an average flow of 0.016 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Suspended Solids	20	40	50
Total Aluminum	4.0	8.0	10.0
Total Iron	2.0	4.0	5.0
Total Manganese	1.0	2.0	2.5
Chloroform	monitor/report		
Dichlorobromomethane	monitor/report		
Chlorodibromomethane	monitor/report		
Total Residual Chlorine	0.5		1.2
pH	within limits of 6.0—9.0 standard units at all times		

The EPA waiver is in effect.

**PA 0055824.** Sewage, **Thomas J. Martin**, 1458 Lonely Cottage, Upper Black Eddy, PA 18972.

This application is for renewal of an NPDES permit to discharge treated sewage from a small flow sewage treatment plant in Bridgeton Township, **Bucks County**. This is an existing discharge to an unnamed tributary to PA Canal.

The receiving stream is classified for the following uses: warm water fishery, cold water fishery, trout stocking fishery, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on an average flow of 500 are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>		
(5-1 to 10-31)	10	20
(11-1 to 4-30)	20	40
Suspended Solids	10	20

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Ammonia (as N)		
(5-1 to 10-31)	3.0	6.0
(11-1 to 4-30)	9.0	18.0
Total Residual Chlorine		
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 3.0 mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	

The EPA waiver is in effect.

*Northeast Region: Environmental Protection Manager, Water Management, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2553.*

**PA 0024716.** Sewerage, **Freeland Borough Municipal Authority**, 711 Birkbeck Street, Freeland, PA 18224.

This proposed action is for renewal of an NPDES permit to discharge treated sewage into a wet weather channel leading to Pond Creek in Foster Township, **Luzerne County**.

The receiving stream is classified for the following uses: high quality, cold water fishery, aquatic life, water supply and recreation.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the analysis was conducted at the point of discharge.

The proposed effluent limits for Outfall 001, based on a design flow of 0.750 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>7-Day Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25.0	40.0	50.0
Total Suspended Solids	30.0	45.0	60.0
Total Copper	monitor only		
Total Lead	monitor only		
Total Zinc	monitor only		
Total Cadmium	monitor only		
Total Aluminum	monitor only		
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a geometric mean		
(10-1 to 4-30)	2,000/100 ml as a geometric mean		
pH	6.0—9.0 standard units at all times		
Total Residual Chlorine			
(Months 1—24)	monitor and report		
(Months 24—60)	1.0		2.0

The EPA waiver is in effect.

**PA 0063851.** Sewerage, **Sweet Valley Mobile Home Village**, R. R. 3, Hunlock Creek, PA 18621.

This proposed action is for issuance of an NPDES permit to discharge treated sewage into an unnamed tributary in Ross Township, **Luzerne County**.

The receiving stream is classified for the following uses: cold water fishery, aquatic life, water supply and recreation.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Danville Borough Water Authority located on the Susquehanna River.

The proposed effluent limits for Outfall 001, based on a design flow of 0.01 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>		
(5-1 to 10-31)	20.0	40.0
(11-1 to 4-30)	25.0	50.0
Total Suspended Solids	30.0	60.0
NH <sub>3</sub> -N		
(5-1 to 10-31)	3.5	7.0
(11-1 to 4-30)	10.5	21.0
Dissolved Oxygen	a minimum of 6.0 mg/l at all times	
Fecal Coliform		
(5-1 to 9-30)	200/100 ml as a geometric mean	
(10-1 to 4-30)	2,000/100 ml as a geometric mean	

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH	6.0—9.0 standard units at all times	
Total Residual Chlorine	1.2	2.8
NO <sub>2</sub> + NO <sub>3</sub> as N	10.0	

The EPA waiver is in effect.

*Southcentral Regional Office: Regional Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4707.*

**PA 0021806, Amendment No. 2.** Sewage, SIC: 4952, **Annville Township**, P. O. Box 320, Annville, PA 17003.

This application is for amendment of an NPDES permit for an existing discharge of treated sewage to Quittapahilla Creek, in Annville Township, **Lebanon County**.

The receiving stream is classified for trout stocking fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Pennsylvania American Water Company located in South Hanover Township, Dauphin County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.75 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	XXX	50
Total Suspended Solids	30	45	XXX	60
NH <sub>3</sub> -N				
(5-1 to 10-31)	9.5	XXX	XXX	19.0
(11-1 to 4-30)	monitor and report	XXX	XXX	monitor and report
Total Phosphorus	2.0	XXX	XXX	4.0
Total Residual Chlorine	0.50	XXX	XXX	1.63
Dissolved Oxygen		minimum of 5.0 at all times		
pH		from 6.0—9.0 inclusive		
Fecal Coliforms				
(5-1 to 9-30)		200/100 ml as a geometric average		
(10-1 to 4-30)		5,800/100 ml as a geometric average		

Persons may make an appointment to review the DEP files on this case by calling Mary DiSanto, File Review Coordinator, at (717) 705-4732.

The EPA waiver is in effect.

*Southwest Regional Office: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.*

**PAS 206101.** Industrial waste, SIC: 3499, **Dynamic Materials Corporation**, R. D. 2, Box 141, Dunbar, PA 15431.

This application is for issuance of an NPDES permit to discharge stormwater from Dynamic Materials Corporation in Dunbar Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, Dunbar Creek, classified as a HQ-CWF fishery with existing and/or potential uses for aquatic life, water supply and recreation.

*Outfalls 001, 002 and 003:* new discharge, design flow of n/a mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
BOD <sub>5</sub>					monitor and report
Oil and Grease					monitor and report
Aluminum					monitor and report
Iron					monitor and report
Zinc					monitor and report
NO <sub>2</sub> -NO <sub>3</sub>					monitor and report

The EPA waiver is in effect.

**PAS 206106.** Industrial waste, SIC: 3442, **Overly Manufacturing Company**, 574 West Otterman Street, P. O. Box 70, Greensburg, PA 15601.

This application is for issuance of an NPDES permit to discharge stormwater from Overly Manufacturing Company in Greensburg City, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, Zellers Run, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation.

*Outfall 001:* new discharge, design flow of n/a mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
BOD <sub>5</sub>					monitor and report
Oil and Grease					monitor and report
Zinc					monitor and report
NO <sub>2</sub> -NO <sub>3</sub>					monitor and report

The EPA waiver is in effect.

**PA 0217891.** Industrial waste, SIC: 9611, **Urban Redevelopment Authority of Pittsburgh**, 200 Ross Street, Pittsburgh, PA 15219.

This application is for issuance of an NPDES permit to discharge stormwater from the construction of Summerset at Frick Park Housing Development in Pittsburgh, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, Nine Mile Run, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is the West View Water Authority, located at West View, 13 miles below the discharge point.

*Outfalls 001—003, 005 and 006:* new discharges.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	monitor and report				
Total Suspended Solids			30		60
Iron					monitor and report
Aluminum					monitor and report
Oil and Grease		15		30	
TDS					monitor and report
Sulfate					monitor and report
Boron					monitor and report
Beryllium					monitor and report
Cadmium					monitor and report
Chromium					monitor and report
Copper					monitor and report
Lead					monitor and report
Manganese					monitor and report
Nickel					monitor and report
Selenium					monitor and report
Silver					monitor and report
Zinc					monitor and report
Vanadium					monitor and report
Arsenic					monitor and report
Phenol					monitor and report
Acenaphthene					monitor and report
Anthracene					monitor and report
Benzo(a)anthracene					monitor and report
Benzo(a)pyrene					monitor and report
Benzo(b)fluoranthene					monitor and report
Benzo(g,h,i)perylene					monitor and report
Chrysene					monitor and report
Di-N-butyl phthalate					monitor and report
Fluoranthene					monitor and report
Naphthalene					monitor and report
Phenanthrene					monitor and report
Pyrene					monitor and report
Total PCBs					monitor and report
pH	not less than 6.0 nor greater than 9.0				

Outfall 004: new discharge.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum

This outfall shall only contain stormwater.

The EPA waiver is in effect.

**PA 0217611.** Sewage, **City of Pittsburgh**, 301 City-County Building, 414 Grant Street, Pittsburgh, PA 15219.

This application is for issuance of an NPDES permit to discharge combined sewage from combined sewer outfalls in the City of Pittsburgh, **Allegheny County**.

*Outfalls:*

005R001	134A001	007A037	009JA13A	024RA60	048DA27	107GC14
015P001	138K001	007A037	009KA14	024SA17	048FA65	107SC15
016A001	139B001	007A037	011RM19	024SA17A	048FA66	107SC16
016A002	139B002	007A037	011SM19B	024SA17B	048GA25	108HC13A
019M001	139B003	008LA47	012AM14	025AA62	048LA23	119MA33
030N001	139F001	008LA48	012AM14A	025BA19B	048NA63	119MA34
032N001	163G001	008MA49	012AM15	025BA20	048NA64	119RA31
032P001	175L001	008MA50	012BM16	025EA19	048PA21	119RA32
034R001	185H001	008MA51	012BM17	025FA19A	048RA22	120CA36
035A001	001FM01	008MA52	012CM18	025JA18A	057AM37	120DA37
035E001	001LM02	008PA01	012CM20	025JA18B	057KM38	120DA37A
035J001	001MM03	008RA02	012DM21	029FM19A	057KM39	120EA35
036R001	001MM03A	008RA03	012DM22	029KM24	057MM40	121AA38
177K001	001SM04	008RA04	012HM23	029KM26	061DS23	121CA40
039E001	002NM05	008RA04A	015ES35	029PM27	061DS24	121HA41
039J001	003AM06	008RA05	015JS33	029RM29	067FC26A	122EA42
039K001	003BM07	008RA06	015JS34	031DM32	067FC27	129NM47
060A001	003BM08	008SA07	015PS31	031GM34	067KC28	009E001
068H001	003CM10	008SA08	015PS32	031HM33	067KC29	089D001
068H002	003CM11	008SA09	016DS36	031HM35	069EC19	
068P001	003CM11A	008SA10	019MS42	031MM36	071CC11	
088M001	003DM12	009BA59	021AO10	034BS30	071CC12	
088S001	003DM13	009BA59A	021DO30	034GS29	072RC13A	
095E001	005AS41	009CA16	021HO31	034LS28	075A026	
095J001	005FS40	009EA54	021HO32	042DO09	075A026A	
096N001	005LS39	009EA55	021KO11	043PC07	080BA29A	
097L001	006AS46	009EA56	021MO33	043RC03	080BA30	
184E001	006NS42B	009EA58	021MO34	043RC05	080EA29	
121H001	007A037	009FA14A	021RO13	043SC02	080NA28	
128P001	007A037	009FA15	021SO35	043SO08	091AM42	
128R001	007A037	009JA11	021SO36	044BO27	095NS18	
128R002	007A037	009JA12	024LA61	044R029	104HC24	
129B001	007A037	009JA13	024MA18	048DA26	104HC25	

which discharge to the receiving waters known as Saw Mill Run, Little Saw Mill Run, Unnamed Tributary of Saw Mill Run, Becks Run, Unnamed Tributary to Becks Run, Bells Run, Bell Creek, Nine Mile Run, Irwins Run, Weyman Run, Allegheny River, Monongahela River, Ohio River, Streets Run and Unnamed Tributary of Streets Run, serve as combined sewer overflows necessitated by stormwater entering the sewer system and exceeding the hydraulic capacity of the sewers and/or the treatment plant and are permitted to discharge only for such reason. There are at this time no specific effluent limitations on the outfalls. Each discharge shall be monitored for cause, frequency, duration and quantity of flow.

*Other Conditions:* The City of Pittsburgh is required to implement the nine minimum technology based controls on a systemwide basis and develop a long-term control plan.

The EPA waiver is not in effect.

### Proposed NPDES Permit Renewal Actions for Minor Sewage Discharges

The following parties have applied to renew their current NPDES permits to allow the continued discharge of controlled wastewaters into the surface waters of this Commonwealth. The Department of Environmental Protection (Department) has made a tentative determination to renew these permits and proposes to issue them, subject to their current permit effluent limitations, and monitoring and reporting requirements, with appropriate

and necessary updated requirements to reflect new or changed regulations and other requirements. The updates may include, but will not be limited to, applicable permit conditions and/or requirements addressing combined sewer overflows (CSOs), municipal sewage sludge management and total residual chlorine control (TRC). Any major changes to or deviations from the terms of the existing permit will be documented and published with the final Department actions.

The EPA, Region III, Regional Administrator has waived the right to review or object to these proposed

permit actions under the waiver provision 40 CFR 123.6E.

Persons wishing to comment on the proposed permits are invited to submit a statement to the Field Office indicated as the office responsible, within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding these applications and proposed permit actions. Comments should include the name, address and telephone number of the writer and a brief statement to inform the Field Office of the basis of the comment and the relevant facts upon which it is based. A public hearing may be held if the Field Office considers the public response significant.

Northeast Regional Office: Regional Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2511

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Requirements</i>
PA0070092	John M. Yetter and Van Daniel Yetter R. D. 5, Box 5308 East Stroudsburg, PA 18301	Northampton Upper Mt. Bethel Twp.	Tributary of Allegheny Creek	TRC

## DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

### Applications under the Pennsylvania Clean Streams Law

#### (Part II Permits)

The following permit applications and requests for plan approval have been received by the Department of Environmental Protection (Department).

Persons objecting on the grounds of public or private interest to the approval of an application or submitted plan may file a written protest with the Department at the address indicated above each permit application or plan. Each written protest should contain the name, address and telephone number of the protester, identification of the plan or application to which the protest is addressed and a concise statement or protest in sufficient detail to inform the Department of the exact basis of the protest and the relevant facts upon which it is based. The Department may conduct a fact-finding hearing or an informal conference in response to any given protest. Each protester will be notified in writing of the time and place of any scheduled hearing or conference concerning the plan, action or application to which the protest relates. To insure consideration by the Department prior to final action on permit applications and proposed plans, initial protests and addition or amendments to protests already filed should be filed within 15 calendar days from the date of this issue of the *Pennsylvania Bulletin*. A copy of each permit application and proposed plan is on file in the office indicated and is open to public inspection.

### Industrial waste and sewerage applications under The Clean Streams Law (35 P. S. §§ 691.1— 691.1001).

Northeast Regional Office: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2511.

**A. 4598410.** Sewerage. **Penn Estates Utilities**, 503 Hallet Road, East Stroudsburg, PA 18301. Permit to construct a sewage lift station to serve Deborah Drive,

Following the 30-day comment period, the Water Management Program Manager will make a final determination regarding the proposed permit action. Notice of this determination will be published in the *Pennsylvania Bulletin*, at which time this determination may be appealed to the Environmental Hearing Board.

The permit renewal application and related documents, proposed effluent limitations and special conditions, comments received and other information are on the Department's file. The documents may be inspected at, or a copy requested from, the Field Office that has been indicated above the application notice.

located in Stroud Township, **Monroe County**. Application received in the Regional Office—December 8, 1998.

*Southcentral Regional Office: Water Management Program Manager; 909 Elmerton Avenue, 2nd Floor; Harrisburg, PA 17110-8200, (717) 705-4707. Persons who wish to review any of these applications, should contact Mary DiSanto at (717) 705-4732.*

**A. 6795404, Amendment 98-1.** Sewage, submitted by **James Dorwart Apartments**, 1375 Old Quaker Road, Etters, PA 17319 in Fairview Township, **York County** to upgrade their existing wastewater treatment plant was received in the Southcentral Region on November 20, 1998.

**A. 0598406.** Sewage, submitted by **William C. and Althea Dietzel**, 2914 Hamilton Avenue, Baltimore, MD 21214 in East Providence Township, **Bedford County** to construct a small flow treatment system to serve their single family residence was received in the Southcentral Region on December 9, 1998.

**A. 3698412.** Sewage, submitted by **Lancaster Area Sewer Authority**, 130 Centerville Road, Lancaster, PA 17603-4087 in West Hempfield Township, **Lancaster County** to construct a pump station upgrade and expansion to the Locust Grove Pump Station was received in the Southcentral Region on December 9, 1998.

*Northwest Regional Office: Regional Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6942.*

**WQM Permit No. 1098412.** Sewage. **Fairwinds Manor Inc.**, 126 Iron Bridge Road, Sarver, PA 16055. This project is for the proposed renovation of an existing treatment facility to include the installation of a hydroaerobics extended aeration sewage treatment facility in Winfield Township, **Butler County**.

**WQM Permit No. 6298414.** Sewage. **North Warren Municipal Authority**, 4 Hospital Drive, North Warren, PA 16365. This project is for the addition of 15,000 square feet of reed sludge drying beds and covering of one-half of the existing sludge beds, the existing flow dampening tank is to be aerated and improvements to the existing



pump station on the Warren State Hospital grounds will be made in Conewango Township, **Warren County**.

**WQM Permit No. 6298415.** Sewage, **Nicholas M. and Mary G. Mangus, SRSTP**, 3778 Willowcrest Blvd., Mulberry, FL 33860. This project is for the construction of a single residence sewage treatment plant in Glade Township, **Warren County**.

### INDIVIDUAL PERMITS (PAS)

#### NPDES Individual

The following parties have applied for an NPDES permit to discharge stormwater from a proposed construction activity into the surface waters of this Commonwealth. Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection (Department) proposes to issue a permit to discharge, subject to certain limitations set forth in the permit and special conditions. These proposed determinations are tentative. Limitations are provided in the permit as erosion and sedimentation control measures and facilities which restrict the rate and quantity of sediment discharged.

Where indicated, the EPA, Region III, Regional Administrator has waived the right to review or object to this proposed permit action under the waiver provision 40 CFR 123.24(d).

Persons wishing to comment on the proposed permit are invited to submit a statement to the office noted above the application within 30 days from the date of this public notice. Comments reviewed within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the responsible office considers the public response significant.

Following the 30-day comment period, the Water Management Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The application and related documents, including the erosion and sedimentation control plan for the construction activity, are on file and may be inspected at the office noted above the application.

*Northeast Regional Office: Regional Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2511.*

*Monroe County Conservation District, District Manager, 8050 Running Valley Road, Stroudsburg, PA 18360, (717) 629-3060.*

**NPDES Permit PAS10S012-R.** Stormwater. **Northridge at Camelback, Camelback Ski Corp.**, P. O. Box 168, Tannersville, PA 18371, has applied to discharge stormwater from a construction activity located in Pocono and Jackson Townships, **Monroe County**, to Pocono Creek.

**NPDES Permit PAS10S015-R.** Stormwater. **Camelback Ski Area, Camelback Ski Corp.**, P. O. Box 168, Tannersville, PA 18372, has applied to discharge

stormwater from a construction activity located in Pocono and Jackson Townships, **Monroe County**, to Pocono Creek.

*Southwest Regional Office: Regional Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.*

**NPDES Permit PAS10B010.** Stormwater. **DEP, Bureau of Abandoned Mines**, P. O. Box 149, Ebensburg, PA 15931 has applied to discharge from a construction activity located in Valley and Boggs Townships, **Armstrong County** to Pine Creek to Allegheny River.

### SAFE DRINKING WATER

#### Applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).

*Southcentral Regional Office: Sanitarian Regional Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4708.*

**A. 0598504.** Public water supply. **Bedford Township Municipal Authority**, Bedford Township, **Bedford County**. *Responsible Official:* Richard E. Bugle, Chairperson, Bedford Township Municipal Authority, P. O. Box 371, Bedford, PA 15522-0371. *Type of Facility:* Construction of two wells, control building, a 238,000 gallon tank, 510 lf of 18-inch main, approximately 8,375 lf of 12" main and related appurtenances. *Consulting Engineer:* David Hegemann, Ph.D. P. E., Hedgemann and Wray Consulting Engineers, 429 Park Avenue, Cresson, PA 16630.

**A. 3698506.** Public water supply. **Columbia Water Company**, Borough of Columbia, **Lancaster County**. *Responsible Official:* Charles E. Gohn, General Manager, Columbia Water Company, 220 Locust Street, Columbia, PA 17512. *Type of Facility:* Modifications to the Sixth Street and Spruce Street pump stations. Installation of 16-inch DIP water main, PRV stations and related appurtenances. *Consulting Engineer:* David T. Lewis, P. E., ACER Engineers and Consultants, Inc., 270 Granite Run Drive, Lancaster, PA 17601.

### LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

#### Under Act 2, 1995

##### Preamble 1

#### Acknowledgment of Notices of Intent to Remediate submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Sections 302 and 303 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate identifies a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the background or Statewide health standard to remediate a site must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combina-

tion of the cleanup standards identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department and shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

For further information concerning the content of a Notice of Intent to Remediate, contact the Department's Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following Notices of Intent to Remediate:

*Southcentral Regional Office: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4705.*

**909 Partners Site**, Susquehanna Township, **Dauphin County**. 909 Partners, L.P., 3701 Perkiomen Avenue, Reading, PA 19606, has submitted a Notice of Intent to Remediate site groundwater contaminated with heavy metals and solvents. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Patriot News* on October 31, 1998.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### Under Act 2, 1995

#### Preamble 2

**Acknowledgment of Notices of Intent to Remediate submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908).**

Sections 304 and 305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use a site-specific standard or who intend to remediate a site in a Special Industrial Area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of the cleanup standards identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department and shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific

cleanup standard, in whole or in part, and for sites determined to be located in Special Industrial Areas. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area by the person conducting remediation. For the sites identified, a municipality may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period, a municipality may request that the person identified, as the remediator of a site, develop and implement a public involvement plan. Requests to be involved, and comments, should be directed to the remediator of a site. For further information concerning the content of a Notice of Intent to Remediate, contact the Department's Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact Steve Curcio at (814) 332-6816. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following Notices of Intent to Remediate:

*Northwest Regional Office: Craig Lobins, Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6648.*

**New Castle Area Transit Authority/former Affiliated Metals & Minerals and Johnson Bronze II Plant**, 301 Mahoning Ave., New Castle, PA **Lawrence County**. City of New Castle has submitted a Notice of Intent to Remediate groundwater and soil contaminated with lead, heavy metals and solvents. The site is located in a Special Industrial Area. The applicant's proposed remediation will address any immediate, direct or imminent threat to the public health and the environment and will be based on the results of the Baseline Remedial Investigation Report. A summary of the Notice of Intent to Remediate was reported to have been published in the *New Castle News* on November 4, 1998.

**Meadville Rite Aid**, 975 Market Street, Meadville, PA 16335, **Crawford County**. City of Meadville, has submitted a Notice of Intent to Remediate groundwater contaminated with heavy metals, BTEX and PHCs. The site is located in a Special Industrial Area. The applicant's proposed remediation will address any immediate, direct or imminent threat to the public health and the environment and will be based on the results of the Baseline Remedial Investigation Report. A summary of the Notice of Intent to Remediate was reported to have been published in the *Meadville Tribune* on August 6, 1998.

## SOLID AND HAZARDOUS WASTE

### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Applications received under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and regulations to operate a solid waste processing or disposal area or site.**

*Southwest Regional Office: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.*

**A. 100594. Chambers Development Co., Inc.**, 2000 Cliff Mine Road, Suite 420, Pittsburgh, PA 15275. Monroeville Landfill, 600 Thomas Street Ext., Monroeville, PA 15146. Application for a major permit modification, request for equivalency review—alternative

daily cover material, in the Municipality of Monroeville, **Allegheny County**, was received in the Regional Office on December 7, 1998.

## AIR QUALITY

### Plan Approval and Operating Permit Applications

#### Nonmajor Sources and Modifications

The Department of Environmental Protection (Department) has developed an "integrated" plan approval, State operating permit and Title V operating permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit all the permitting documents relevant to its application and at one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

The Department has received applications for plan approvals and/or operating permits from the following facilities. Although the sources covered by these applications may be located at a major facility, the sources being installed or modified do not trigger major new source review or prevention of significant deterioration requirements.

Copies of these applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the Regional Offices identified in this notice. Persons interested in reviewing the application files should contact the appropriate regional office.

Persons wishing to file protests or comments on the proposed plan approval and/or operating permits must submit the protest or comment within 30 days from the date of this notice. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Any comments or protests filed with the Department's Regional Offices must include a concise statement of the objections to the issuance of the plan approval or operating permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior to the date of the hearing.

Final plan approvals and operating permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121-143, the Federal Clean Air Act and regulations adopted under the act.

### OPERATING PERMITS

#### Applications received and intent to issue Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001-4015).

*Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.*

**06-3005A: Morton International, Inc.** (P. O. Box 15209, Reading, PA 19612) for a plastics manufacturing facility controlled by eight fabric collectors in Reading, **Berks County**.

**06-302-050A: Bally Ribbon Mills** (23 North 7th Street, Bally, PA 19503) two boilers, one of which is controlled by a low NOx burner in Bally Borough, **Berks County**. The new boiler is subject to 40 CFR 60, Subpart Dc, Standards of Performance for New Stationary Sources.

**21-302-113: Lear Operations Corp.** (50 Spring Road, Carlisle, PA 17013) for operation of two boilers, the no. 5 boiler controlled by low NOx burner, natural gas or no. 2 oil fired, and existing no. 4 boiler modified to burn natural gas or no. 2 oil in Carlisle Borough, **Cumberland County**.

**67-304-027A: R. H. Sheppard Co., Inc.** (101 Philadelphia Street, P. O. Box 877, Hanover, PA 17331) for operation of the foundry sand handling system no. 2 in Hanover Borough, **York County**.

**67-304-034B: R. H. Sheppard Co., Inc.** (101 Philadelphia Street, P. O. Box 877, Hanover, PA 17331) for operation of a ductile iron operations in Hanover Borough, **York County**.

**67-310-009B: Milestone Materials, Inc.** (P. O. Box 231, Easton, PA 18040) for operation of a modified stone crushing and screening operation in Manchester Township, **York County**.

*Northwest Regional Office: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.*

**PA-25-069B: Engelhard Corp.** (1729 East Avenue, Erie, PA 16503) for operation of a nickle plant fluid bed reactor in Erie, **Erie County**.

**PA-25-070A: EMI Corp.** (603 West 12th Street, Erie, PA 16501) for operation of a coreless melting furnace in Erie, **Erie County**.

**PA-33-159A: Brookville Mining Equipment** (P. O. Box 130, Brookville, PA 15825) for operation of a surface coating operation in Pinecreek Township, **Jefferson County**.

**PA-37-296A: Select Industries, Inc.** (420 Cascade Street, New Castle, PA 16107) for operation of a coating line in New Castle, **Lawrence County**.

**PA-37-299A: IMS Steel Services, Inc.** (P. O. Box 2372, New Castle, PA 16102) for operation of a steel slag and scrap processing plant in Taylor Township, **Lawrence County**.

**PA-43-170B: Werner Co.** (93 Werner Road, Greenville, PA 16125) for operation of a pultrusion process in Sugar Grove Township, **Mercer County**.

**43-399-014: Werner Co.** (93 Werner Road, Greenville, PA 16125) for operation of a fiberglass pultrusion operation in Sugar Grove Township, **Mercer County**.

**PA-61-012A: OMG Americas** (P. O. Box 111, Franklin, PA 16323) for operation of batch chemical reactors in Sugarcreek Borough, **Venango County**.

**PA-62-017A: United Refining Co.** (P. O. Box 780, Warren, PA 16365) for operation of a combo catch in Warren, **Warren County**.

#### Notice of Intent to Issue Title V Operating Permits

Under 25 Pa. Code § 127.521, the Department of Environmental Protection (Department) intends to issue a Title V Operating Permit to the following facilities. These facilities are major facilities subject to the operating permit requirements under Title V of the Federal Clean Air Act and 25 Pa. Code Chapter 127, Subchapters F and G (relating to operating permit requirements; and Title V operating permits).

Appointments to review copies of the Title V application, proposed permit and other relevant information must be made by contacting Records Management at the

regional office telephone number noted. For additional information, contact the regional office noted.

Interested persons may submit written comments, suggestions or objections concerning the proposed Title V permit to the regional office within 30 days of publication of this notice. Written comments submitted to the Department during the 30-day public comment period shall include the name, address and telephone number of the person submitting the comments, along with the reference number of the proposed permit. The commentator should also include a concise statement of any objections to the permit issuance and the relevant facts upon which the objections are based.

The Department reserves the right to hold a public hearing on the proposed action based upon the information received during the public comment period and will provide notice of any scheduled public hearing at least 30 days in advance of the hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation where the facility is located.

*Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, Attn: Mohammad Zaman, (717) 327-3637.*

**TVOP #14-00004: Con Lime, Inc.** (P. O. Box 118, Bellefonte, PA 16823) for their Bellefonte Plant located in Benner Township, **Centre County**. In accordance with 25 Pa. Code § 127.541, this Title V Operating permit revision is to incorporate conditions from Plan Approval #OP-14-0001A for the operation of a DCL SEV24-10 lime kiln fabric collector dust silo bulk tank truck loadout spout. The particulate matter emissions from the source shall be controlled by a Fuller/Amerex RP-8-42, D6 fabric collector and shall not exceed 0.02 grains per dry standard cubic foot.

**TVOP #59-00001: Westfield Tanning Co.** (360 Church Street, Westfield, PA 16950) for their tannery located in Westfield Borough, **Tioga County**. The facility's major sources include leather tanning and water-proofing operations, harness and sole leather dyeing and treating operation, and natural gas and oil fired boilers which emit major quantities of volatile organic compounds (VOCs) and hazardous air pollutants (HAPs). The sources also emit CO, NO<sub>x</sub>, particulate matter and SO<sub>x</sub>. This facility is also subject to all applicable requirements of Maximum Available Control Technology (MACT) and Standards of Performance for New Stationary Sources (NSPS).

#### PLAN APPROVALS

#### Applications received and intent to issue Plan Approvals under the Air Pollution Control Act (35 P. S. §§ 4001—4015).

*Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.*

**ER-06-5035: The Glidden Co.** (P. O. Box 301, Bern Street, Reading, PA 19601) for 35 tons of Volatile Organic Compounds ERCs from the shutdown of sources in Reading, **Berks County**.

**21-05039: Land O'Lakes, Inc.** (405 Park Drive, Carlisle, PA 17013) for installation of two natural gas/no. 2 fuel oil boilers and two milk drying systems controlled by cyclones and fabric filters in South Middleton Township, **Cumberland County**. The boilers are subject to 40 CFR 60, Subpart Dc, Standards of Performance for Small Industrial-Commercial-Institutional Steam generating units.

**36-05092: Greiner Industries, Inc.** (1650 Steel Way, Mt. Joy, PA 17552) for construction of painting operation in Mt. Joy Township, **Lancaster County**.

**36-310-027F: Martin Limestone, Inc.** (P. O. Box 550, Blue Ball, PA 17506) to install a larger capacity baghouse to control emissions from an existing rock crushing, conveying and screening operation in East Cocalico Township, **Lancaster County**.

**67-5003A: Mastercraft Specialties Inc.** (800 Maple Street, Red Lion, PA 17356) for the installation of a flat product line surface coater in Red Lion Borough, **York County**.

*Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (717) 327-3637.*

**OP-41-0007B: Coastal Aluminum Rolling Mills, Inc.** (2475 Trenton Avenue, Williamsport, PA 17701) for construction of an additional coil coating station and associated curing oven and air cleaning device (a catalytic oxidizer) on Line No. 4 in the City of Williamsport, **Lycoming County**.

*Northwest Regional Office: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.*

**PA-25-316B: Ethan Allen, Inc.** (77 South Main Street, Union City, PA 16438) for construction of a wood furniture robotic spray painting operation (4,800 wood units per year), in Union City, **Erie County**. This source is subject to the Federal NESHAP standard, 40 CFR Part 63, Subpart JJ, National Emission Standards for Wood Furniture Manufacturing Operations.

**PA 42-009A: Pittsburgh Corning Corp.** (723 North Main Street, P. O. Box 39, Port Allegany, PA 16743) for installation of a wet collector (2,800 acfm), on an existing mold release spray process in Port Allegany, **McKean County**.

#### REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT)

#### Proposed Revision to the State Implementation Plan for Volatile Organic Compounds (VOC); Approval of a Reasonably Available Control Technology Plan and Operating Permit; Public Hearing

#### Franklin County

The Department of Environmental Protection (Department) has made a preliminary determination to approve a Reasonably Available Control Technology (RACT) Plan and an amendment to the State Implementation Plan (SIP) for surface coating operations at the Grove U.S.L.L.C. production facility located in Antrim Township, Franklin County.

The proposed SIP revision does not adopt new regulations. It incorporates the provisions and requirements contained in RACT Operating Permit No. 28-2004 for the existing facility to comply with current regulations. Upon final approval, the operating permit will include restrictions on surface coating activities along with appropriate recordkeeping and reporting requirements.

An appointment to review the pertinent documents at the Southcentral Regional Office may be scheduled by contacting Mary DiSanto at (717) 705-4732 between 8 a.m. and 3:30 p.m., Monday through Friday, except holidays.

A public hearing will be held for the purpose of receiving comments on the proposed operating permit and SIP revisions. The hearing will be held on February 17, 1999, at the Department's Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110 from 1 p.m. until all scheduled comments on the proposed action are received.

Those wishing to comment are requested to contact Sandra Roderick at (717) 705-4931 at least 1 week in advance of the hearing to schedule their testimony. Commentators are requested to provide two written copies of their remarks at the time of the hearing. Oral testimony will be limited to a maximum of 10 minutes per individual. Organizations are requested to designate an individual to present testimony on behalf of the organization. Written comments may be submitted to Gary Lenz, Air Pollution Control Engineer, DEP, 909 Elmerton Avenue, Harrisburg, PA 17110 during the 30-day period following publication of this notice.

Persons with a disability who wish to attend the hearing scheduled for February 17, 1999, at the Southcentral Regional Office and who require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact Sandra Roderick directly at (717) 705-4931 or through the AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

**Proposed Revision to the State Implementation Plan for Volatile Organic Compounds (VOC) and Nitrogen Oxides (NOx); Approval of a Reasonably Available Control Technology Plan and Operating Permit; Public Hearing**

**Lebanon County**

The Department of Environmental Protection (Department) has made a preliminary determination to approve a Reasonably Available Control Technology (RACT) Plan and an amendment to the State Implementation Plan (SIP) for the Aluminum Company of America's secondary aluminum production facility located in South Lebanon Township, Lebanon County.

The proposed SIP revision does not adopt new regulations. It incorporates the provisions and requirements contained in RACT Operating Permit No. 38-02002 for the existing facility to comply with current regulations. Upon final approval, the operating permit will include restrictions on rolling lubricants composition, operating requirements for the existing sources and control equipment, and appropriate recordkeeping and maintenance requirements.

An appointment to review the pertinent documents at the Southcentral Regional Office may be scheduled by contacting Mary DiSanto at (717) 705-4732 between 8 a.m. and 3:30 p.m., Monday through Friday, except holidays.

A public hearing will be held for the purpose of receiving comments on the proposed operating permit and

SIP revisions. The hearing will be held on February 9, 1999, at the Department's Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110 from 1 p.m. until all scheduled comments on the proposed action are received.

Those wishing to comment are requested to contact Sandra Roderick at (717) 705-4931 at least 1 week in advance of the hearing to schedule their testimony. Commentators are requested to provide two written copies of their remarks at the time of the hearing. Oral testimony will be limited to a maximum of 10 minutes per individual. Organizations are requested to designate an individual to present testimony on behalf of the organization. Written comments may be submitted to Gary Lenz, Air Pollution Control Engineer, DEP, 909 Elmerton Avenue, Harrisburg, PA 17110 during the 30-day period following publication of this notice.

Persons with a disability who wish to attend the hearing scheduled for February 9, 1999, at the Southcentral Regional Office and who require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact Sandra Roderick directly at (717) 705-4931 or through the AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

**Pennsylvania Electric Company (Penelec)**

**Public Hearing**

The Department of Environmental Protection (Department) will conduct a public hearing on January 20, 1999, beginning at 1 p.m. in the Air Quality Conference Room of the DEP Regional Office Building located at 230 Chestnut Street, Meadville, PA 16335-3407.

The hearing is for the Department to accept testimony concerning its decision to approve, with conditions, Reasonably Available Control Technology (RACT) plan by Pennsylvania Electric Company (Penelec), Front Street Station, Erie, PA to meet the requirements under 25 Pa. Code §§ 129.91—129.95 (RACT), concerning the emissions of oxides of nitrogen (NOx) and volatile organic compounds (VOC) from various air contamination sources. The final RACT proposal will be submitted to the United States Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan (SIP). This facility is located in Erie County.

The proposed SIP revisions do not adopt new regulations. They incorporate the provisions and requirements contained in the RACT approval for the facility to comply with current regulations.

The preliminary RACT determination, if finally approved, will be incorporated into Plan Approvals and/or Operating Permits for the facility and will be submitted to the EPA as a revision to Pennsylvania's State Implementation Plan.

The following is a summary of the preliminary NOx RACT determination for the previously listed facility (major sources only):

Penelec, Front Street Station, Erie

*Source*

Boiler 7 and Boiler 8

*NOx RACT*

—NOx emissions shall not exceed 21 lb/ton of coal, as fired and 0.145 lbs/MMBtu of Oil #2, as fired.

—The sources shall be operated and maintained in accordance with the manufacturer's specifications. The sources shall also be operated and maintained in accordance with good air pollution control practices.

*Source*

Boiler 9 and Boiler 10

Emergency Diesel and Fire Pump Diesel

*NOx RACT*

—NOx emissions shall not exceed 14.4 lb/ton of coal, as fired and 0.145 lbs/MMBtu of Oil #2, as fired.

—The sources shall be operated and maintained in accordance with the manufacturer's specifications. The sources shall also be operated and maintained in accordance with good air pollution control practices.

—These sources shall be in compliance with the requirements of 25 Pa. Code § 129.93(c)(5).

For the listed facility, a public hearing will be held for the purpose of receiving comments on the above proposed Plan Approvals and/or Operating Permits and the proposed SIP revisions. The public hearing is scheduled on Wednesday, January 20, 1999, 1 p.m.—3 p.m. at the Air Quality Conference Room, DEP Regional Conference Room, 230 Chestnut Street, Meadville, PA 16335-3407.

Persons wishing to present testimony at the hearing should contact Lori McNabb, Air Pollution Control Engineer, DEP, 270 Chestnut Street, Meadville, PA 16335-3494, (814) 332-6940 at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes and two written copies of the oral testimony are required. Each organization is requested to designate one witness to present testimony in its own behalf.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Lori McNabb at (814) 332-6940, or the Pennsylvania AT&T relay service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Those unable to attend the hearing but wish to comment should provide written comments to the previously noted contact person. Comments should be submitted within 30 days of the date of this publication notice.

All the pertinent documents (applications, review memos and draft approvals) are also available for review from 8 a.m. to 4 p.m. at the Meadville Regional office (Air Quality). Appointments for scheduling a review must be made by calling the contact person noted previously.

**MINING****APPLICATIONS TO CONDUCT COAL AND NONCOAL ACTIVITIES**

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to the applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of the application is available for inspection at the District mining office indicated above each application. Where a 401 water quality certification is needed for any aspect of a

particular proposed mining activity, the submittal of the permit application will serve as the request for the certification.

Written comments or objections, or requests for informal conferences on applications, may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the same address within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for comment, and informal conferences).

Where any of the mining activities listed below will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. The NPDES permits will contain, at a minimum, technology-based effluent limitations (as described in the Department's regulations—25 Pa. Code §§ 77.522, 87.102, 88.92, 88.187, 88.242, 89.52 and 90.102) for iron, manganese, suspended solids, settleable solids, alkalinity and pH. In addition to the above, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit when necessary for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies which have requested review of the NPDES permit requirements for a particular mining activity within the above-mentioned public comment period will be provided with a 30-day period to review and submit comments on those requirements.

Written comments or objections should contain the name, address and telephone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor; application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

*Ebensburg District Office, 437 South Center Street, P. O. Box 625, Ebensburg, PA 15931-0625.*

*Coal Applications Received*

**11900201.** Permit Renewal, **Maple Coal Company** (2591 Wexford-Bayne Road, Suite 204, Sewickley, PA 15143-8610) commencement, operation and restoration of

a coal refuse reprocessing mine in Barr and Blacklick Townships, **Cambria County**, affecting 134.2 acres, receiving stream Elk Creek. Application received December 4, 1998.

**32880107. Permit Renewal, Urey Coal Company** (222 Forest Ridge Road, Indiana, PA 15701), commencement, operation and restoration of bituminous strip mine in Banks Township, **Indiana County**, affecting 133.3 acres, receiving stream unnamed tributary to Cush Creek; unnamed tributary to South Branch Bear Run. Application received December 4, 1998.

*Greensburg District Office, R. D. 2, Box 603-C, Greensburg, PA 15601.*

**03980109. Seven Sisters Mining Co., Inc.** (P. O. Box 300, 200 US Route 22, Delmont, PA 15626). Application received for commencement, operation and reclamation of a bituminous and industrial mineral (sandstone, shale and clay) surface auger mine located in South Bend Township, **Armstrong County**, proposed to affect 67.1 acres. Receiving streams: unnamed tributary to Crooked Creek, Crooked Creek to the Allegheny River. Application received: December 3, 1998.

**03980108. Stitt Coal Company, Inc.** (R. R. 1, Box 197A, Ford City, PA 16226). Application received for commencement, operation and reclamation of a bituminous and industrial mineral (sandstone, shale, limestone and underclay) surface auger mine located in Kittanning Township, **Armstrong County**, proposed to affect 189.8 acres. Receiving streams: unnamed tributaries to Garrets Run and Garrets Run to the Allegheny River. Application received: December 3, 1998.

**03910101. Thomas J. Smith, Inc.** (R. D. 1, Box 260D, Shelcta, PA 15774). Revision received to mine within the 100 foot road barrier of State Route 1029 and to conduct mining activities within the 100 foot barrier of and to remove a portion of an unnamed tributary to the North Fork of Pine Creek on an existing bituminous surface auger mine with a coal preparation plant/processing facility located in Boggs Township, **Armstrong County**. Receiving streams: unnamed tributaries to North Fork Pine Creek to the Allegheny River. Revision application received: December 10, 1998.

**26783002R. T. L. Hill Coal Company** (R. R. 3, Box 690A, Uniontown, PA 15401). Renewal application received for continued operation and reclamation of a bituminous surface mine located in Georges Township, **Fayette County**. Receiving streams: York Run. Renewal application received: December 10, 1998.

**26950201R. Mon River Energy Corp.** (P. O. Box 466, Brier Hill, PA 15415). Renewal application received for commencement, operation and reclamation of a coal refuse reprocessing site located in Redstone Township, **Fayette County**. Receiving streams: Fourmile Run. Renewal application received: December 14, 1998.

*Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

**13980201. Rossi Excavating Company** (9 West 15th Street, Hazleton, PA 18201), commencement, operation and restoration of an anthracite coal refuse reprocessing operation in Banks Township, **Carbon County** affecting 18.0 acres, receiving stream—none. Application received December 2, 1998.

*Ebensburg District Office, 437 South Center Street, P. O. Box 625, Ebensburg, PA 15931-0625.*

*Small Industrial Minerals Applications Received*

**11980801. Kevin E. Hite** (516 Eckenrode Mill Road, Patton, PA 16668), commencement, operation and restoration of a slate pit in East Carroll Township, **Cambria County**, affecting 5.0 acres, receiving stream Laurel Lick Run to Chest Creek. Application received December 3, 1998.

## **Bureau of Deep Mine Safety**

### **Request for Variance**

#### **K. B. Coal, Inc.**

The Bureau of Deep Mine Safety has received a request for variance from K. B. Coal, Inc. The following notification contains a summary of this request. Complete copies of the variance request may be obtained from Matthew A. Bertovich by calling (724) 439-7469.

The Department of Environmental Protection (Department) is publishing a summary of the request to solicit comments from affected parties on the proposed variance request. Comments may be used by the Bureau to assist in its investigation of the variance request. Comments will be accepted for 30 days following the publication of this notice. All comments should be addressed to Richard E. Stickler, Director, Bureau of Deep Mine Safety, Fayette County Health Center, 100 New Salem Road, Room 167, Uniontown, PA 15401.

Sections 701 and 702 of the Bituminous Coal Mine Act (52 P. S. §§ 701 and 702) (act) provides a mechanism for operators to obtain variances from specific requirements of the act to accommodate the adoption of new machinery, equipment, tools, supplies, methods or processes.

Section 242(c) states that where belt conveyors are installed, main stoppings and regulators shall be so arranged as to reduce the quantity of air traveling in the belt conveyor entry to a minimum for effective ventilation and to provide an intake air split as an escapeway from the face area to the main air current.

*Summary of the request:* K. B. Coal, Inc. requests a variance to allow for the common ventilation of belt conveyor entries with other entries at the Miller Mine.

## **APPLICATIONS RECEIVED UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT**

### **ENCROACHMENTS**

The following Dam Safety and Encroachment permit applications, requests for Environmental Assessment approval and requests for water quality certification have been received by the Department of Environmental Protection (Department). Section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)) requires the State to certify that the involved projects will not violate the applicable provisions of 33 U.S.C.A. §§ 1311—1313, 1316 and 1317, as well as relevant State requirements. Initial requests for 401 certification will be published concurrently with the permit application. Persons objecting to approval of a request for certification under section 401 or to the issuance of a Dam Safety or Encroachment Permit or the approval of Environmental Assessments must submit any comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted above the application.



**Applications received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and requests for certification under section 401 of the Federal Water Pollution Control Act.**

*Southeast Regional Office: Program Manager, Water Management Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**E15-599.** Encroachment. **Schuylkill Township**, 101 Valley Park Rd., Phoenixville, PA 19460. To restore and realign approximately 150 linear feet of an eroded stream channel of an unnamed tributary to the Schuylkill River (WWF). The proposed project is located approximately 1,200 feet south from the intersection of Jug Hollow Road and Valley Park Road (Valley Forge, PA Quadrangle N: 18.0 inches; W: 14.8 inches) in Schuylkill Township, **Chester County**.

**E23-375.** Encroachment. **Swarthmore Borough**, 121 Park Avenue, Swarthmore, PA 19081-1536. To replace an existing dilapidated 10-inch sanitary sewer line crossing which bisects the waterway opening of an existing 48-inch culvert pipe which conveys an unnamed tributary of Little Crum Creek (WWF) under Oberline Avenue, and to construct and maintain a 10-inch sanitary sewer line at a lower elevation at the same location across an unnamed tributary to Little Crum Creek (WWF). The site is located on Oberline Avenue between Lafayette Avenue and Dartmouth Avenue (Lansdowne, PA Quadrangle N: 4.75 inches; W: 13.2 inches) in Swarthmore Borough, **Delaware County**.

**E46-826.** Encroachment. **Montgomery Township Municipal Authority**, 1001 Stump Road, Montgomeryville, PA 18936. To restore 180 linear feet of stream banks in and along an unnamed tributary to Neshaminy Creek (WWF, MF) to protect an existing sewer line associated with the Ville-Glen sanitary interceptor line. This site is located approximately 2,400 feet northeast of the intersection of Route 309 and Richardson Road (Doylestown, PA Quadrangle N: 2.5 inches; W: 16.0 inches) in Montgomery Township, **Montgomery County**.

*Northeast Regional Office: Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-5485.*

**E13-116.** Encroachment. **PA Department of Transportation**, District 5-0, 1713 Lehigh Street, Allentown, PA 18103-4724. To maintain the existing 5-foot diameter C.M.P. culvert within a 50-foot long section of 6-foot by 5-foot concrete walled channel in a tributary to the Lehigh River (HQ-CWF). The culvert was constructed under authorization of Emergency Permit No. EP1394401. The project is located along the northeastern side of S. R. 2015 immediately east of the intersection of S. R. 2015 and Second Street (Lehigh, PA Quadrangle N: 15.5 inches; W: 10.4 inches), Franklin Township, **Carbon County** (Philadelphia District, U. S. Army Corps of Engineers).

**E40-511.** Encroachment. **City of Wilkes-Barre**, 40 East Market Street, Wilkes-Barre, PA 18711. To remove the existing structure and to construct and maintain a single-span prestressed concrete bridge across Laurel Run (CWF). The proposed bridge has a clear span of 38.0 feet and an underclearance of 7.3 feet. The project includes gravel bar removal, extending from the Govier Street Bridge (approximately 360 feet upstream of Mill Street) downstream for a distance of 500 feet, which is proposed

to be accomplished utilizing the Department's General Permit BDWW-GP-3. The project is located on Mill Street (Pittston, PA Quadrangle N: 1.2 inches; W: 13.3 inches), City of Wilkes-Barre, **Luzerne County** (Baltimore District, U. S. Army Corps of Engineers).

**E40-512.** Encroachment. **City of Wilkes-Barre**, 40 East Market Street, Wilkes-Barre, PA 18711. To repair and maintain an existing retaining wall along the left bank of Solomon Creek (CWF), with work consisting of the removal and replacement of a 105-linear foot section of wall. The replaced section will have a reinforced concrete cantilevered wall with concrete-formed simulated stone facing. The project is located immediately upstream of the intersection of South Franklin Street and Brook Street (Wilkes-Barre, PA West Quadrangle N: 19.6 inches; W: 4.5 inches), City of Wilkes-Barre, **Luzerne County** (Baltimore District, U. S. Army Corps of Engineers).

**E40-513.** Encroachment. **Howard L. and Dolores J. Piatt**, R. R. 1, Box 264, Hunlock Creek, PA 18621. To maintain an existing single-span bridge across Pikes Creek (CWF) and to excavate within the floodway and remove a stone wall along the left bank to provide additional overbank flow area. The bridge has a span of approximately 34 feet and an underclearance of approximately 5 feet, and is located on the east side of S. R. 0029, approximately 0.5 mile north of the intersection of S. R. 0029 and S. R. 0118 (Harveys Lake, PA Quadrangle N: 11.5 inches; W: 13.3 inches), Lake Township, **Luzerne County** (Baltimore District, U. S. Army Corps of Engineers). This permit is for an after-the-fact authorization.

**E45-364.** Encroachment. **Robert and Anja Smith**, P. O. Box 270, Spring House, PA 19477. To place fill in 0.10 acre of PFO wetlands adjacent to Lake Naomi for the purpose of constructing a home located at Lot 25, Unit 5, Section 4 on the north side of Lakeview Drive approximately 250 feet northwest of the intersection of Lakeview Drive and Hemlock Circle (Pocono Pines, PA Quadrangle N: 21.5 inches; W: 10.4 inches), Tobyhanna Township, **Monroe County** (Philadelphia District, U. S. Army Corps of Engineers).

*Southcentral Regional Office: Section Chief, Water Management Program, Soils and Waterways Section, 909 Elmerton Avenue, 2nd Floor, Harrisburg, PA 17110, (717) 705-4707.*

**E01-203.** Encroachment. **Latimore Township**, Dave Myers, P. O. Box 218, York Springs, PA 17372. To remove an existing structure and to construct and maintain a concrete box culvert having a clear span of 22 feet and a minimum underclearance of 3.25 feet over Latimore Creek (CWF) on T-639, Bushy School Road (Dillsburg, PA Quadrangle N: 9.0 inches; W: 3.5 inches) in Latimore Township, **Adams County**.

**E22-395.** Encroachment. **Gary Houck**, 7464 Linglestown Rd., Harrisburg, PA 17112. To construct and maintain a 16.67 foot × 7.5 foot aluminum box culvert and a 12.08 foot × 6.58 foot aluminum box culvert and to impact 0.39 acre of wetlands in and along a tributary to Beaver Creek at points along Clover Lane (Hershey, PA Quadrangle N: 13.9 inches; W: 13.95 inches) in West Hanover Township, **Dauphin County**.

**E28-264.** Encroachment. **DCNR**, P. O. Box 8451, Harrisburg, PA 17105. To remove the existing structure and to construct and maintain a 14-foot by 5-foot concrete box culvert in the channel of Furnace Run on Linsay Lot Road located immediately downstream of Shippensburg



reservoir (Scotland, PA Quadrangle N: 20.8 inches; W: 0.25 inch) in Southampton Township, **Franklin County**.

**E31-147.** Encroachment. **Charles V. Fedena**, P. O. Box 38, R. R. 641, Neelyton, PA 17239. To construct and maintain a single span bridge having a clear span of 22.0 feet and an underclearance of about 6.3 feet over Shade Creek (TSF) and to construct and maintain five 12-inch diameter culverts in an unnamed tributary to Shade Creek (TSF) to provide access to an existing residential property located on the north side of SR 0641 about 2 miles south of Shade Gap (Shade Gap, PA Quadrangle N: 7.2 inches; W: 12.9 inches) in Dublin Township, **Huntingdon County**.

*Northcentral Region: Water Management, Soils and Waterways Section, F. Alan Sever, Chief, 208 West Third St., Suite 101, Williamsport, PA 17701.*

**E19-186.** Encroachment. **Columbia County Commissioners**, Columbia County Courthouse, Box 380, Bloomsburg, PA 17815. To rehabilitate and maintain an existing single span wooden covered bridge by constructing a steel beam deck and two piers with a total span of 164 feet and underclearance of 24 feet across Fishing Creek located on Reading Street approximately 0.4 mile upstream of the mouth of Fishing Creek (Catawissa, PA Quadrangle N: 19.3 inches; W: 13.6 inches) in the Town of Bloomsburg and Montour Township, **Columbia County**. Estimated stream disturbance is 100 feet with no wetland impacts; stream classification is warm water fishery.

**E55-156.** Encroachment. **Tross Realty**, R. R. 3, Box 511, Sunbury, PA 17801. The applicant is seeking authorization to place and maintain fill in 0.11 acre of wetlands to develop a commercial office building site adjacent to US Route 15 North. The proposed project site is located along the east side of US Route 15, 1.38 miles north of the intersection of US Routes 15 and 11 in Shamokin Dam. The site is in Monroe Township, **Snyder County** (Sunbury, PA Quadrangle N: 22.3 inches and W: 10.0 inches). The area to be developed is 1.6 acres and the affected wetland is a 0.25 acre isolated palustrine emergent system. Payment to the Pennsylvania Wetland Replacement Project is proposed as mitigation because onsite replacement areas are unsuitable.

*Southwest Regional Office: Soils and Waterways Section, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E02-1255.** Encroachment. **Nancy Ann Kolosvary**, 195 Guffey Road, Elizabeth, PA 15037. To place and maintain fill in a de minimis area of wetlands (PEM), for the purpose of constructing a 91 acre lot single family residential development known as Golden Age Estates. The project is located along the north side of Torrence and Guffey Road approximately 0.1 mile west of their intersection with S. R. 0051 (Donora, PA Quadrangle N: 19.0 inches; W: 15.0 inches) in Forward Township, **Allegheny County**.

**E02-1257.** Encroachment. **Frey/Schweiger Partnership**, 4399 Gibsonia Road, Gibsonia, PA 15044. To construct and maintain a sanitary sewer line crossing across the channel of an unnamed tributary to Little Deer Creek (CWF) for the purpose of serving the Stone Crest Plan of Lots. The project is located just west of Saxonburg Boulevard (S. R. 1013), and McKrell Road (Curtisville, PA Quadrangle N: 0.9 inch; W: 15.0 inches) in West Deer Township, **Allegheny County**.

**E65-716.** Encroachment. **Pennsylvania Department of Transportation**, Engineering District 12-0, P. O. Box 459, Uniontown, PA 15401. To operate and maintain a bridge having a normal clear span of 88.5 feet and an

underclearance of 11.59 feet across Jacobs Creek (WWF), located on SR 1041, Section C10, Station 36 + 64 (Dawson, PA Quadrangle N: 17.7 inches; W: 4.94 inches) in East Huntingdon and Lower Tyrone Townships, **Westmoreland and Fayette Counties**. The removal of the existing collapsed bridge was removed under Emergency Permit No. EP6598204. The construction and maintenance of the bridge was authorized under Emergency Permit No. EP6598207.

## WATER QUALITY CERTIFICATION

### Requests for Certification under Section 401 of the Federal Water Pollution Control Act

The following requests have been made to the Department of Environmental Protection (Department) for certification under section 401(a) of the 1972 amendments to the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)), that there is reasonable assurance that the construction described will not violate applicable Federal and State water quality standards.

Prior to final approval of the proposed certification, consideration will be given to comments, suggestions or objections which are submitted in writing 30 days from the date of this notice. Comments should be submitted to the Department at the address indicated above each of the following requests for certification. All comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed, and a concise statement of comments, objections or suggestions in sufficient detail to inform the Department of the exact basis of the proposal and the relevant facts upon which it is based. The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary to resolve conflicts. Each individual will be notified in writing of the time and place of any scheduled hearing or conference concerning the certification request to which the protest relates. Maps, drawings and other data pertinent to the certification request are available for inspection and review at the address indicated above each request for certification between the hours of 8 a.m. and 4 p.m. on each working day.

*Southeast Regional Office: Regional Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428-2233, (610) 832-6130.*

*Certification Request Initiated By: Roy F. Weston, Inc., 101 Fieldcrest Avenue, Raritan Plaza III, Suite 2B, Edison, NJ 08837-3622.*

*Project Description/Location:* This activity involves the discharge of supernatant from the United States Army Corps of Engineers (USACE) Fort Mifflin dredge disposal basin into the Delaware Estuary-Zone 4. The supernatant will be generated through the disposal of approximately 215,000 cubic yards of sediment by hydraulic suction dredge and pipeline directly into the basin. This request was submitted on behalf of Metro Machine Corporation which operates an existing dry dock facility adjacent to Pier 5, in the former Philadelphia Naval Yard, where the dredging is proposed. Application has also been made to the USACE for approval of this activity under Section 10 of the River and Harbors Act and Section 404 of the Clean Water Act.

## ACTIONS

### FINAL ACTIONS TAKEN UNDER THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

#### [National Pollution Discharge Elimination System Program (NPDES)]

#### DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

##### (Part I Permits)

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications and requests for plan approval and has issued the following significant orders.

Persons aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514), and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law) to the Environmental Hearing Board, 400 Market Street, Floor 2, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

#### Industrial waste and sewerage actions under The Clean Streams Law (35 P. S. §§ 691.1—691.1001).

*Southeast Regional Office: Regional Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-6130.*

**NPDES Permit No. PA0026603.** Sewage. **Borough of Ambler**, 122 East Butler Avenue, Ambler, PA 19002 is authorized to discharge from a facility located at Ambler Borough STP located Upper Dublin Township, **Montgomery County** into Wissahickon Creek.

**NPDES Permit No. PA0054992.** Sewage. **Michael Bird**, 2835 Mill Road, Doylestown, PA 18901 is authorized to discharge from a facility located in Buckingham Township, **Bucks County** to an unnamed tributary to Watson Creek.

**NPDES Permit No. PA0053384, Amendment No. 1.** Sewage. **Assembly Hall of Jehovah's Witnesses**, 4414 New Hope Road, P. O. Box 338, Buckingham, PA 18912 is authorized to discharge from a facility located in Buckingham Township, **Bucks County** into an unnamed tributary to Mill Creek.

**NPDES Permit No. PA0051519.** Industrial waste. **Perkasie Industries Corporation**, 50 East Spruce Street and Constitution Avenue, P. O. Box 179, Perkasie, PA 18933 is authorized to discharge from a facility at

Perkasie Industries Corporation NCCW and SWRO located in Perkasie Borough, **Bucks County** into Elk Branch of Perkiomen Creek.

**NPDES Permit No. PA0040321.** Industrial waste. **Thomas and Betts Corporation**, 8155 T and B Boulevard, Memphis, TN 38125 is authorized to discharge from a facility located at Thomas and Betts Corporation Groundwater Remediation System, Park Avenue and Ridge Road located in East Rockhill Township, **Bucks County** into an unnamed tributary to East Branch of Perkiomen Creek.

**WQM Permit No. 1598405.** Sewerage. **West Goshen Sewer Authority**, 520 Veronica Road, West Chester, PA 19380. Construction and operation for the expansion of the West Goshen STP located in West Goshen Township, **Chester County**.

*Northeast Regional Office: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2511.*

**NPDES Permit No. PA-0061484.** Sewerage. **Northrop Grumman Corporation**, P. O. Box 188, Fleetville, PA 18420 is authorized to discharge from a facility located in Benton Township, **Lackawanna County**, to an unnamed tributary to South Branch Tunkhannock Creek.

**NPDES Permit No. PA-0026042-A2.** Sewerage. **Wendell S. Sherman**, Director of Public Works, City of Bethlehem, 10 East Church Street, Bethlehem, PA 18018 is authorized to discharge from a facility located in the City of Bethlehem, **Northampton County**, to the Lehigh River.

**NPDES Permit No. PA-0031127.** Sewerage. **Borough of Northampton**, 1516 Main Street, Northampton, PA 18067 is authorized to discharge from a facility located in Northampton Borough, **Northampton County**, to Hokendaqua Creek.

**NPDES Permit No. PA-0063240.** Sewerage. **Neil Minnich**, Lehigh Township Municipal Authority, 1069 Municipal Road, Walnutport, PA 18088 is authorized to discharge from a facility located in Lehigh Township, **Northampton County**, to Bertsch Creek.

*Northcentral Regional Office: 208 West Third Street, Suite 101, Grit Building, Williamsport, PA 17701.*

**NPDES Permit No. PA0209724.** Sewerage. **H. H. Knoebel Sons Inc.**, Lake Glory Campground, R. R. 1 Box 317, Elysburg, PA 17824-0317. Applicant has been granted permission to construct a treatment facility to discharge from Lake Glory Campground located at Cleveland Township, **Columbia County**.

**NPDES Permit No. PA0020672.** Sewerage. **Randy Gresh**, Washingtonville Municipal Authority, P. O. Box 147, Washingtonville, PA 17884. Renewal granted to facility located at Derry Township, **Montour County**.

**NPDES Permit No. PA0208728.** Sewerage. **Mountaintop Area Municipal Authority**, P. O. Box 275, Snow Shoe, PA 16874. Renewal granted to facility located at Snow Shoe Township, **Centre County**.

**WQM Permit No. 1798408.** Sewerage. **Curwensville Municipal Authority**, 900 Susquehanna Avenue, Curwensville, PA 16833. Permission granted to select a mechanical sludge dewatering equipment to operate either a belt press or a centrifuge depending on cost. Facility located at Curwensville Borough, **Clearfield County**.

**WQM Permit No. 1795408-A35.** Sewerage. **Bradford Township/Walker**, P. O. Box 79, Woodland, PA 16881.

Design was previously approved on October 19, 1995, as a pilot program for facility located at Bradford Township, **Clearfield County**.

**WQM Permit No. 4998406.** Sewerage. **William F. Miller**, P. O. Box 143, Muncy, PA 17756-0143. Construction approved for single residence sewer treatment facility located at Lewis Township, **Northumberland County**.

**WQM Permit No. 0871401-A1, Amendment.** Sewerage. **Wyalusing Borough**, P. O. Box 61, Wyalusing, PA 18853. Amendment allowed for replacing the malfunctioning flow meter with a new weir flow meter on the chlorine contact tank effluent. Location of facility is Wyalusing Borough, **Bradford County**.

**Permit No. WQM 1498409-T1.** Sewerage Transfer. **John Sr., and Gail E. Teti**, 1203 Steele Hollow Road, Julian, PA 16844. Transfer of water quality permit granted to single residence system located at Huston Township, **Centre County**.

*Northwest Regional Office: Regional Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6942.*

**NPDES Permit No. PA0005053, Amendment No. 2.** Industrial waste. **GPU Generation, Inc., Warren Generating Station**, 2325 Pennsylvania Avenue, West Extension, Warren, PA 16365 is authorized to discharge

from a facility located in Conewango Township, **Warren County** to the Allegheny River.

**NPDES Permit No. PA0000078.** Industrial waste. **Welch Foods, Inc.**, South Lake Street, North East, PA 16428 is authorized to discharge from a facility located in North East Township, **Erie County** to Sixteen Mile Creek.

**NPDES Permit No. PA0032638.** Sewage. **Pleasant Valley Park**, P. O. Box 747, 2727 Pennsylvania Avenue, Warren, PA 16365 is authorized to discharge from a facility located in Brokenstraw Township, **Warren County** to an unnamed tributary to Brokenstraw Creek.

**WQM Permit No. 2098414.** Sewage. **Faith Independent Baptist Church**, P. O. Box 863, Meadville, PA 16335. This project is for the construction and operation of a small flow treatment facility in Hayfield Township, **Crawford County**.

**WQM Permit No. 1098409.** Sewerage, **Ronald W. Drent, SRSTP**, 974 Red Clover Dr., Aurora, IL 60504. Construction of Ronald W. Drent SRSTP located in Adams Township, **Butler County**.

**WQM Permit No. 4398417.** Sewerage, **Paul Lokovich, SRSTP**, 76 N. Summit Rd., Greenville, PA 16125. Construction of Paul Lokovich SRSTP located in West Salem Township, **Mercer County**.

#### INDIVIDUAL PERMITS

##### (PAS)

The following approvals for coverage under NPDES Individual Permit for discharge of stormwater from construction activities have been issued.

*Northcentral Region: Water Management, Soils and Waterways Section, F. Alan Sever, Chief, 208 West Third St., Williamsport, PA 17701.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10F071	Sue Tressler Airport Park Comm. Sub. 2160 Fox Hill Rd. State College, PA 16801	Centre County Benner Township	Buffalo Run

#### INDIVIDUAL PERMITS

##### (PAR)

The following parties have submitted Notices of Intent (NOIs) for Coverage under (1) General NPDES Permit(s) to discharge wastewater into the surface waters of this Commonwealth. The approval for coverage under these general NPDES permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions set forth in the general permit; (2) General Permit(s) for Beneficial Use of Sewage Sludge or Residential Septage by Land Application in Pennsylvania. The approval of coverage for land application of sewage sludge or residential septage under these general permits is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective general permit. The Department of Environmental Protection approves the following coverages under the specified General Permit.

The EPA Region III Regional Administrator has waived the right to review or object to this permit action under the waiver provision: 40 CFR 123.24.

The application and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted.

*List of NPDES and/or other General Permit Type*

PAG-1	General Permit For Discharges From Stripper Oil Well Facilities
PAG-2	General Permit For Discharges of Stormwater From Construction Activities
PAG-3	General Permit For Discharges of Stormwater From Industrial Activities
PAG-4	General Permit For Discharges From Single Residence Sewage Treatment Plant

*List of NPDES and/or other  
General Permit Type*

PAG-5	General Permit For Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit For Wet Weather Overflow Discharges From Combined Sewer Systems
PAG-7	General Permit For Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit For Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-9	General Permit For Beneficial Use of Residential Septage By Land Application to Agricultural Land, Forest or a Land Reclamation Site

*General Permit Type—PAG-2*

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Lehigh County Weisenberg Township	PAR10Q103	Arcadia Development Corp. Richard E. Thulin 54 S. Commerce Way Suite 175 Bethlehem, PA 18017	Maiden Creek	Lehigh CD (610) 391-9583
Lehigh County N. Whitehall Township	PAR10Q114	Jaindl Lane Co. David Jaindl 3150 Coffeetown Road Orefield, PA 18069	Jordan Creek	Lehigh CD (610) 391-9583
Centre County College Township	PAR10F077	Pa. State University Dairy Barn Clean Fill Project 101 P Office of Physical Plan University Park, PA 16802	Big Hollow and Unt. to Spring Creek	Centre County Cons. Dist. 414 Holmes Ave. Suite 4 Bellefonte, PA 16823 (814) 355-6817
Columbia County Hemlock Creek Township	PAR102136	Penn Brooks Subdivision Alfred Nevel 134 School House Rd. Bloomsburg, PA 17815	Unt. Hemlock Creek	Columbia County Cons. Dist. 702 Sawmill Rd. Suite 105 Bloomsburg, PA 17815 (717) 784-1310

*General Permit Type—PAG-3*

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Lehigh County Upper Saucon Township	PAR802215	Pitt Ohio Express, Inc. 45 26th Street Pittsburgh, PA 15222	Unnamed Tributary to Saucon Creek	Northeast Region Water Management 2 Public Square Wilkes-Barre, PA 18711-0790 (717) 826-2553
Columbia County Sugarloaf Township	PAR204829	Benton Foundry Inc. R. D. 2 Box 110 Benton, PA 17814	Hess Run	Northcentral 208 W. Third Street Williamsport, PA 17701 (717) 327-3664

*General Permit Type—PAG-4**Facility Location  
County and  
Municipality**Permit No.**Applicant Name  
and Address**Receiving Stream  
or Body of Water**Contact Office and  
Telephone No.*

Hayfield Township  
Crawford County

PAG048536

Lisa H. and Richard C.  
Schmalzried  
13470 Foster Rd.  
Conneautville, PA 16406

Unnamed  
Tributary  
Cussewago

Northwest Region  
Water Management  
230 Chestnut St.  
Meadville, PA  
16335-3481  
(814) 332-6942

West Salem Township  
Mercer County

PAG048550

Paul Lokovich  
76 N. Summit Rd.  
Greenville, PA 16125

Tributary Big Run

Northwest Region  
Water Management  
230 Chestnut St.  
Meadville, PA  
16335-3481  
(814) 332-6942

Bedford County  
East Providence  
Township

PAG043606

William and Althea Dietzel  
2914 Hamilton Avenue  
Baltimore, MD 21214

French Run

Southcentral Region  
909 Elmerton Avenue  
Harrisburg, PA 17110  
(717) 705-4707

Clearfield County  
Bradford Township

PAG045042

Boyd and Alice E. Walker  
R. D. 1, Box 28A  
Woodland, PA 16881

UNT to  
Roaring Run

Northcentral  
208 W. Third Street  
Williamsport, PA 17701  
(717) 327-3664

Northumberland  
County  
Lewis Township

PAG045043

William F. Miller  
P. O. Box 143  
Muncy, PA 17756-0143

UNT to  
Warrior Run

Northcentral  
208 W. Third Street  
Williamsport, PA 17701  
(717) 327-3664

Centre County  
Huston Township

PAG045024

John Sr. and Gail E. Teti  
1203 Steele Hollow Road  
Julian, PA 16844

Steele Hollow Run

Northcentral  
208 W. Third Street  
Williamsport, PA 17701  
(717) 327-3664

Snyder County  
Union Township

PAG045041

Harvey S. Martin  
R. R. 1, Box 651  
Port Trevorton, PA 17864

Silver Creek

Northcentral  
208 W. Third Street  
Williamsport, PA 17701  
(717) 327-3664

Potter County  
Bingham Township

PAG045038

Charles Peidle  
2901 Hickox-Ulysses Rd.  
Genesee, PA 16923

UNT to  
Genesee

Northcentral  
208 W. Third Street  
Williamsport, PA 17701  
(717) 327-3664

*General Permit Type—PAG-9**Facility Location  
County and  
Municipality**Permit No.**Applicant Name  
and Address**Receiving Stream  
or Body of Water**Contact Office and  
Telephone No.*

Wayne County  
Berlin Township

PAG09-2205

Koberlein, Inc.  
R. R. 4, Box 414  
Honesdale, PA 18431

N/A

Northeast Region  
2 Public Square  
Wilkes-Barre, PA  
18711-0790  
(570) 826-2511

### SEWAGE FACILITIES ACT PLAN APPROVAL

#### **Plan approval granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20).**

*Regional Office: Water Management Program Manager,  
Southcentral Region, 909 Elmerton Ave., Harrisburg, PA  
17110.*

*Location: Centre Township, Perry County, P. O. Box  
727, New Bloomfield, PA 17068.*

Approved plan provides for a sewer line extension to  
serve an existing strip mall currently using OLDS. Addi-

tionally, a well drillers ordinance will be adopted and  
modifications made to the existing subdivision and land  
development and holding tank ordinances. Areas of the  
municipality located in high quality watershed as well as  
areas having elevated levels of nitrate-nitrogen contami-  
nation have been identified and new land development  
planning procedures modified accordingly. The Depart-  
ment's review of the sewage facilities update revision has  
not identified any significant environmental impacts re-  
sulting from this proposal.

*Northeast Regional Office: Water Management Program  
Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790,  
(717) 826-2553.*

*Location:* Lommerin Cottage Repair, 1,800 feet north of intersection of Jacoby Creek Road and Potomac Street on Jacoby Creek Road, Upper Mt. Bethel Township, Northampton County.

*Project Description:* This project proposes the repair of a malfunctioning onlot sewage disposal system serving a single family residence on a 1.97 acre lot. A small flow treatment facility is proposed to serve the existing dwelling with a sewage flow of 400 gpd.

Soil probes evaluated on the lot by the township sewage enforcement officer indicated unsuitable soils for the installation of an onlot sewage disposal system. A Norweco Model 960 sewage treatment plant is proposed for use by the property owner. The treated effluent will be discharged to the Jacoby Creek which has a cold water fishes designation in 25 Pa. Code, Chapter 93 Water Quality Standards.

The property owners and Upper Mt. Bethel Township have entered into an installation and maintenance agreement as required in 25 Pa. Code § 71.72(a).

An individual well will supply water to the lot.

In the event that municipal, public sewage facilities become available to this property in the future, the small flow treatment facility proposed must be abandoned and connection made to the municipal system.

### SAFE DRINKING WATER

#### Actions taken under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).

*Southeast Regional Office: Sanitarian Regional Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428-2233, (610) 832-6130.*

**Permit No. 4698505.** Public water supply. **Collegeville Park Water Association**, 3450 Baker Street, Collegeville, PA 19426. The permitting of existing well no. 2 to be added as an additional water supply source for the Collegeville Park Water Association in Lower Providence Township, **Montgomery County**. *Type of Facility:* Public Water Supply System. *Consulting Engineer:* Robert F. Preston, Engineering, 831 DeKalb Pike, Blue Bell, PA 19422. *Permit to Construct Issued:* December 10, 1998.

*Regional Office: Sanitarian Regional Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4708.*

**Permit No. 2298502.** Public water supply. **Pennsylvania-American Water Company**, West Hanover Township, **Dauphin County**. *Responsible Official:* Steven J. Seidl, P.E., Vice-President-Engineering, Pennsylvania-American Water Company, 800 West Hersheypark Drive, Hershey, PA 17033. *Type of Facility:* Construction of a booster pumping station at an existing 150,000 gallon storage tank. Chlorination equipment will be provided.

**Permit No. 3198504.** Public water supply. **Warriors Mark General Authority**, Warriors Mark Township, **Huntingdon County**. *Responsible Official:* Terry Ellenberger, Chairperson, Warriors Mark General Authority, P. O. Box 122, Warriors Mark, PA 16877. *Type of Facility:* Development of Cox Well No. 4 and the construction of a 227,000 gallon water storage tank.

*Northwest Regional Office: Regional Manager, 230 Chestnut Street, Meadville, PA, (814) 332-6899.*

**Permit No. 2098501.** Public water supply. **Cambridge Springs Borough**, 26 Federal Street, Cambridge Springs, PA 16403 has been issued a construction permit for improvements to the plant which consists of chlorine contact loop and switch from liquid to gas chlorination in Cambridge Springs Borough, **Crawford County**. *Type of Facility:* Community Water Supply. *Consulting Engineer:* Bruce Patterson, P. E., Northwest Engineering, Inc., P. O. Box Q, R. R. 1, Tidioute, PA 16351. *Permit to Construct Issued:* December 4, 1998.

### HAZARDOUS SITES CLEANUP

Under the Act of October 18, 1988

#### Notice of Settlement

#### Quakertown Foundry PAPL Site, Quakertown, Bucks County, PA

The Department of Environmental Protection (Department), under the authority of the Hazardous Site Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1304), hereby gives notice that it has entered into Consent Decrees (CDs) with the Borough of Quakertown (Borough), Hajoca Corporation (Hajoca), Olympic Foundry, Inc. (Olympic) and Bibby Foundry Limited (Bibby) (now known as 535812 Ontario Ltd.) associated with the remediation at the Quakertown Foundry Site in Quakertown, Bucks County, PA.

The Quakertown Foundry Site (Site) is approximately 22 acres in size and is located at 400 Mill Street, in Quakertown Borough, Quakertown, PA. The Site is listed on the Pennsylvania Priorities List (PAPL). The Site includes the former foundry property and an adjacent municipal ballfield that was partially developed from foundry wastes. The wastes consist primarily of a mixture of spent casting sand, furnace slag and baghouse dusts. The Borough, Hajoca, Olympic and Bibby have been identified as responsible parties for the Site. The Department is currently directing a Remedial Response at the Site.

Through these CDs, the Borough, Hajoca, Olympic and Bibby would resolve any potential liability to the Department for the release of hazardous substances or contaminants identified and addressed in the Statement of Decision for the Site. Each settling defendant shall become eligible for contribution protection from actions for contribution, provided the settling defendant is in full compliance with the terms and conditions of the CD. Under the terms of the CD, the Borough, Hajoca, Olympic and Bibby will remit a total of \$1,985,000 to the Department.

This notice is being provided under section 1113 of HSCA (35 P. S. § 6020-1113). The Department will provide for a 60 day public comment period on the proposed CD from the date of publication of this notice. Under section 1113 of HSCA, the CD will become final when the Department files its response to any significant public comments received during the comment period. The CD may be examined from 8 a.m. to 4 p.m. in the Department's Southeast Field Office at Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428. Interested persons may contact M. Thomas Mellott at (610) 832-5934 or Anderson Lee Hartzell at (610) 832-6300. Persons may submit written comments to M. Thomas Mellott at the previous address.

## SOLID AND HAZARDOUS WASTE

### LICENSE TO TRANSPORT HAZARDOUS WASTE

**License issued under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and regulations for license to transport hazardous waste.**

*Bureau of Land Recycling and Waste Management: Division of Hazardous Waste Management, P.O. Box 8471, Harrisburg, PA 17105-8471.*

**South Windsor Metallurgical, Inc.**, 300 Rye Street, South Windsor, CT 06074; License No. **PA-AH 0605**; license issued November 17, 1998.

**TNI (USA), Inc. d/b/a AATCO**, P.O. Box 856, Duenweg, MO 64841; License No. **PA-AH 0604**; license issued November 5, 1998.

**Renewal licenses issued under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and regulations for license to transport hazardous waste.**

*Bureau of Land Recycling and Waste Management: Division of Hazardous Waste Management, P.O. Box 8471, Harrisburg, PA 17105-8471.*

**Envirite of Illinois, Inc.**, 16435 Center Avenue, Harvey, IL 60426; License No. **PA-AH 0547**; renewal license issued November 9, 1998.

**Envirite of Pennsylvania, Inc.**, 1600 Pennsylvania Avenue, York, PA 17404; License No. **PA-AH 0549**; renewal license issued October 19, 1998.

**Environmental Equipment and Services, Inc.**, P.O. Box 8, Swedesboro, NJ 08085; License No. **PA-AH 0472**; renewal license issued October 20, 1998.

**Griffin Industrial Services, Inc.**, P.O. Box 519, East Syracuse, NY 13057; License No. **PA-AH 0471**; renewal license issued October 20, 1998.

**KVS Transportation, Inc.**, P.O. Box 5295, Bakersfield, CA 93388; License No. **PA-AH 0536**; renewal license issued October 9, 1998.

**Osmose, Inc.**, 980 Ellicott Street, Buffalo, NY 14209-2398; License No. **PA-AH 0309**; renewal license issued November 18, 1998.

**Pollution Control Industries, Inc.**, 4343 Kennedy Avenue, East Chicago, IN 46312; License No. **PA-AH 0537**; renewal license issued November 17, 1998.

**Remtech Environmental (Lewisberry) L.P.**, 550 Industrial Drive, Lewisberry, PA 17339-9537; License No. **PA-AH 0146**; renewal license issued November 4, 1998.

**RFE Industries, Inc.**, Foot of Jersey Avenue, Jersey City, NJ 07302; License No. **PA-AH S126**; renewal license issued November 9, 1998.

**Select Transportation, Inc.**, 5055 Nike Drive, Columbus, OH 43026; License No. **PA-AH 0469**; renewal license issued October 19, 1998.

**Sanford Motors, Inc.**, 1307 S. Pennsylvania Avenue, Morrisville, PA 19067; License No. **PA-AH S178**; renewal license issued September 29, 1998.

**Technic, Inc.**, 1 Spectacle Street, Cranston, RI 02910; License No. **PA-AH S134**; renewal license issued October 20, 1998.

**Terra First, Inc.**, P.O. Box 1259, Vernon, AL 35592; License No. **PA-AH 0348**; renewal license issued November 18, 1998.

**Transport ROLLEX LTEE**, 910 Boul Lionel-Boulet, Varennes Quebec Canada J3X 1P7; License No. **PA-AH 0544**; renewal license issued November 9, 1998.

**Licenses expired under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and regulations for license to transport hazardous waste.**

*Bureau of Land Recycling and Waste Management: Division of Hazardous Waste Management, P.O. Box 8471, Harrisburg, PA 17105-8471.*

**Clean America, Inc.**, 3300 Childs Street, Baltimore, MD 21226; License No. **PA-AH 0375**; license expired on June 30, 1998.

**Reading Industrial Scrap, Inc.**, P.O. Box 163, Reading, PA 19603; License No. **PA-AH 0173**; license expired on October 31, 1998.

**Roanoke Electric Steel Corporation**, P.O. Box 13948; Roanoke, VA 24038-3948; License No. **PA-AH 0306**; license expired on October 31, 1998.

### RESIDUAL WASTE PROCESSING FACILITIES

**Permits issued under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904) and regulations to operate solid waste processing or disposal area or site.**

*Northeast Regional Office: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2516.*

**Permit I.D. No. 30002. Portland Station Bangor Quarry Ash Disposal Site**, GPU Generation, Inc. (GPU Genco), 1001 Broad Street, Johnstown, PA 15907. A permit reissuance, authorizing the construction and operation of a captive, Class II residual waste landfill at the former Metropolitan Edison Bangor Ash Disposal Site, located in Bangor Borough, **Northampton County**. This captive monofill will only receive approved residual waste from the Metropolitan-Edison Portland Power Plant. This landfill has a composite liner system except on the highwall areas where a 100 mil textured HDPE liner will be utilized for reasons of stability. This permit provides for landfill operations for the next 10 years in accordance with the residual waste regulations. The permit reissuance was approved by the Regional Office on December 3, 1998.

## AIR QUALITY

### OPERATING PERMITS

**General Plan Approval and Operating Permit issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.*

**GP1-67-3053: FKI Industries, Inc./ACCO Chain & Lifting Products Division** (76 Acco Drive, Box 792, York, PA 17405) authorized use of the general permit for

two natural gas/no. 2 oil fired combustion units in York Township, **York County**.

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**Operating Permits issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

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*Southeast Regional Office: Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.*

**OP-46-0011: Bethlehem Lukens Plate** (Conshohocken Road, Conshohocken, PA 19428) issued December 11, 1998, for operation of a Facility VOC/NOX RACT in Plymouth Township, **Montgomery County**.

*Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (717) 327-3637.*

**TVOP# 49-00003: ACF Industries, Inc., Amcar Division** (P. O. Box 109, Milton, PA 17847) issued December 8, 1998, for grit blasting, surface coating and curing operations associated with the manufacture of railcars in Milton Borough, **Northumberland County**.

*Northwest Regional Office: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.*

**10-303-007A: IA Construction Corp.** (P. O. Box 568, Franklin, PA 16323) issued October 28, 1998, for operation of a batch asphalt plant in Mercer Township, **Butler County**.

**PA-42-183A: Ferrontec, Inc.** (300 Chestnut Street, Bradford, PA 16701) issued December 30, 1998, for operation of a spray dryer exhaust in Bradford, **McKean County**.

**PA-43-304A: Greenville Veterinary Clinic** (409 East Jamestown Road, Greenville, PA 16125) issued December 31, 1998, for operation of an incinerator in Greenville, **Mercer County**.

**43-399-016: GE Transportation Systems** (1503 West Main Street Extension, Grove City, PA 16127) issued December 31, 1998, for operation of test cells in Grove City, **Mercer County**.

**PA-61-020A: Allied Signal, Emlenton Plant** (P. O. Box 3367, Smethport, PA 16749) issued October 31, 1998, for operation of an earth burner in Emlenton, **Venango County**.

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**Operating Permits Minor Modification issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

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*Southeast Regional Office: Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.*

**OP-09-0027: Fres-Co System USA, Inc.** (3005 State Road, Telford, PA 18969) issued December 11, 1998, for Facility VOC/NOX RACT in West Rockhill Township, **Bucks County**.

## PLAN APPROVALS

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**Plan Approvals issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

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*Southeast Regional Office: Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.*

**PA-09-0095A: Puralube, Inc.** (USX Property, Fairless Hills, PA 19030) issued December 11, 1998, for operation of two process heaters in Falls Township, **Bucks County**.

*Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.*

**36-03071: Humane League of Lancaster County** (2195 Lincoln Highway East, Lancaster, PA 17602) issued December 9, 1998, for installation of two animal cremators in East Lampeter Township, **Lancaster County**.

**36-05015A: Dart Container Corp.** (60 East Main Street, Leola, PA 17540) issued December 8, 1998, for modification of a DI foam production development line in Upper Leacock Township, **Lancaster County**.

**36-309-083B: Buck Co., Inc.** (R. D. 1, Box 230, Quarryville, PA 17566) for construction of six storage tanks controlled by six bin vent collectors in Providence Township, **Lancaster County**.

**67-420-054: Lehigh Portland Cement Co.** (200 Hokes Mill Road, York, PA 17404) issued December 8, 1998, for installation of a plaster mold roll crusher in West Manchester Township, **York County**.

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**Plan Approvals extensions issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

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*Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.*

**07-310-025: Grannas Bros. Stone & Asphalt Co., Inc.** (P. O. Box 488, Hollidaysburg, PA 16648) granted December 7, 1998, to authorize temporary operation for the limestone crushing and screening plant controlled by water sprays, under this Plan Approval until April 6, 1999, at the Ganister Quarry, in Catherine Township, **Blair County**.

**21-02005A: Pennsylvania Department of Corrections/SCI Camp Hill** (P. O. Box 598, Camp Hill, PA 17001) granted November 18, 1998, to authorize temporary operation for three boilers controlled by a baghouse, under this Plan Approval until March 17, 1999, in Lower Allen Township, **Cumberland County**.

**21-317-058: The Quaker Oats Co.** (P. O. Box 3040, Shiremanstown, PA 17011) granted December 1, 1998, to authorize temporary operation for the high pressure no. 4 extrusion line, under this Plan Approval until March 30, 1999, in Hampden Township, **Cumberland County**.

**67-304-034B: R. H. Sheppard Co., Inc.** (101 Philadelphia Street, Hanover, PA 17331) granted November 28, 1998, to authorize temporary operation for the ductile iron foundry, under this Plan Approval until March 27, 1999, in Hanover Borough, **York County**.

*Northwest Regional Office: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.*



**10-399-018: Resolite, A United Dominion Co.** (Route 19 North, Box 338, Zelienople, PA 16063) issued December 30, 1998, for a fiberglass pultrusion process in Jackson Township, **Butler County**.

**PA-24-012A: Carbide/Graphite Group, Inc.** (800 Theresia Street, St. Marys, PA 15857) issued November 30, 1998, for plant 3 coke and graphite material handling, milling, screening and mixing in St. Marys, **Elk County**.

**PA-25-069A: Engelhard Corp.** (1729 East Avenue, Erie, PA 16503) issued November 30, 1998, for a blender loader in Erie, **Erie County**.

**25-327-004: Spectrum Control, Inc.** (8061 Avonia Road, Fairview, PA 16415) issued October 28, 1998, for open top vapor degreasers in Fairview, **Erie County**.

**25-327-005: Spectrum Control, Inc.** (6000 West Ridge Road, Erie, PA 16506) issued October 28, 1998, for vapor degreasers in Erie, **Erie County**.

**42-322-001: McKean County Solid Waste Authority** (P. O. Box 448, Mt. Jewett, PA 16740) issued September 30, 1998, for a landfill gas extraction system in Sergeant Township, **McKean County**.

**42-399-026A: Allegheny MDF Limited Partnership** (R. D. 1, Box 226, Kane, PA 16735) issued December 30, 1998, for a material reject air system in Sergeant Township, **McKean County**.

**42-399-027A: Allegheny MDF Limited Partnership** (R. D. 1, Box 226, Kane, PA 16735) issued December 30, 1998, for dryers and cone sander dust burner in Sergeant Township, **McKean County**.

**42-399-028A: Allegheny MDF Limited Partnership** (R. D. 1, Box 226, Kane, PA 16735) issued December 30, 1998, for high pressure chip system in Sergeant Township, **McKean County**.

**42-399-030: Allegheny MDF Limited Partnership** (R. D. 1, Box 226, Kane, PA 16735) issued December 30, 1998, for sander dust systems in Sergeant Township, **McKean County**.

**42-399-031: Allegheny MDF Limited Partnership** (R. D. 1, Box 226, Kane, PA 16735) issued December 30, 1998, for a sawdust and fuel system in Sergeant Township, **McKean County**.

**43-313-001B: Caparo Steel Co.** (15 Roemer Boulevard, Farrell, PA 16121) issued December 31, 1998, for an acid regeneration plant in Farrell, **Mercer County**.

## MINING

### APPROVALS TO CONDUCT COAL AND NONCOAL ACTIVITIES

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 water quality certification. Mining activity permits issued in response to the applications will also address the applicable permitting requirements of the following statutes: the Air Quality Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

*Ebensburg District Office, 437 South Center Street, P. O. Box 625, Ebensburg, PA 15931-0625.*

#### Coal Applications Issued

**32980107. Fossil Fuel, Inc.** (R. D. 2, Box 73, Marion Center, PA 15759), commencement, operation and restoration of a bituminous strip-auger mine in Grant Township, **Indiana County**, affecting 120.0 acres, receiving stream unnamed tributary to Little Mahoning Creek. Application received July 24, 1998. Permit issued December 2, 1998.

**56930106. Permit Renewal, Future Industries, Inc.** (P. O. Box 157, Meyersdale, PA 15552), commencement, operation and restoration of bituminous strip mine in Black Township, **Somerset County**, affecting 191.0 acres, receiving stream unnamed tributaries to/and Casselman River. Application received October 15, 1998. Permit issued December 8, 1998.

**56733038. Permit Renewal, PBS Coals, Inc.** (P. O. Box 260, 1576 Stoystown Road, Friedens, PA 15541), continued restoration of a bituminous strip mine for reclamation, only in Somerset Township, **Somerset County**, affecting 518.6 acres, receiving stream unnamed tributary to East Branch Coxes Creek. Application received September 24, 1998. Permit issued December 8, 1998.

**56813006. Permit Renewal, NSM Coals, Inc.** (P. O. Box 260, 1576 Stoystown Road, Friedens, PA 15541), continued restoration of a bituminous strip mine for reclamation, only in Stonycreek Township, **Somerset County**, affecting 929.7 acres, receiving stream to unnamed tributaries to Clear Run and to Clear Run; and to Boone Run. Application received September 24, 1998. Permit issued December 8, 1998.

**56930105. Permit Renewal, Big J Mining, Inc.** (1842 Main Street, Hastings, PA 16646), commencement, operation and restoration of bituminous strip mine in Jenner Township, **Somerset County**, affecting 58.0 acres, receiving stream unnamed tributary to/and Pine Run. Application received October 13, 1998. Permit issued December 11, 1998.

*Greensburg District Office, R. D. 2, Box 603-C, Greensburg, PA 15601.*

**30970101. Taylortown Mining, Inc.** (P. O. Box 298, Point Marion, PA 15474). Permit issued for commencement, operation and reclamation of a bituminous surface auger mine located in Dunkard Township, **Greene County**, affecting 25.0 acres. Receiving streams: unnamed tributary to Dunkard Creek, Dunkard Creek to the Monongahela River. Application received: February 27, 1997. Permit issued: December 7, 1998.

*Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

**54980102. Triple T. Mining Company** (101 West Main Street, P. O. Box 376, Ringtown, PA 17967), commencement, operation and restoration of a surface mine operation in Blythe Township, **Schuylkill County** affecting 140.0 acres, receiving stream—none. Permit issued November 4, 1998.

*Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

#### Noncoal Permits Issued

**6275SM2C3. Milestone Materials, Inc.** (1900 Sullivan Trail, P. O. Box 231, Easton, PA 18044-0231), renewal of NPDES Permit No. PA0594539 in Limestone and Liberty Townships, **Montour County**, receiving

stream—unnamed tributary to Chillisquaque Creek and Chillisquaque Creek. Renewal issued December 9, 1998.

**7973SM1C. Haines & Kibblehouse, Inc.** (2052 Lucon Road, P. O. Box 196, Skippack, PA 19474), renewal of NPDES Permit No. PA0595683 in Penn Forest Township, **Carbon County**, receiving stream—Stony Creek. Renewal issued December 9, 1998.

**7973SM3C4. Miller Quarries** (Mill Creek Road, Rushland, PA 18956), renewal of NPDES Permit No. PA0594369 in Wrightstown Township, **Bucks County**, receiving stream—Mill Creek. Renewal issued December 9, 1998.

## ACTIONS TAKEN UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT

### ENCROACHMENTS

The Department of Environmental Protection (Department) has taken the following actions on previously received Dam Safety and Encroachment permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

Persons aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law) to the Environmental Hearing Board, 400 Market Street, Floor 2, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

**Actions on applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and sections 5 and 402 of The Clean Streams Law (35 P. S. §§ 691.5 and 691.402) and notice of final action for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).** (Note: Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description.)

*Southeast Regional Office: Program Manager, Water Management Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**E09-766.** Encroachment Permit. **Lower Makefield Township**, 1100 Edgewood Road, Yardley, PA 19067-1696 and **Yardley Borough**, 56 South Main Street, Yardley, PA 19067. To remove a 72-inch corrugated metal pipe culvert and associated endwalls along Oxford Road and to install and maintain an approximately 29.5 foot long twin cell 10-foot by 5-foot reinforced concrete box culvert and associated wingwalls, at this location, in and along Silver Creek (WWF). Also, to install and maintain a 24-inch and a 15-inch RCP stormwater outfall within the proposed northeast wingwall. The site is located approximately 700 feet east of the intersection of Oxford Road and Oxford

Valley Road (Trenton West, NJ-PA USGS Quadrangle N: 19.6 inches; W: 11.5 inches) in Lower Makefield Township and Yardley Borough, **Bucks County**.

**E23-363.** Encroachment Permit. **Glen Mills School**, P. O. Box 137, Concordville, PA 19331. To impact three unnamed tributaries to Chester Creek (TSF, MF) by excavating or placing fill within their 100-year floodway associated with the construction of cartway paths and foot bridges at the proposed 18 hole Golf Course situated at the Glen Mills School. The project also includes replacement of the existing 50-foot long, 48-inch RCP culvert with a 4.5-foot by 18.5-foot precast concrete box culvert adjacent to the proposed modified dam structure, and excavation to construct 100 linear feet of streambed relocation. The pond modifications will require dredging of the existing pond, placing fill to diminish the water surface of the pond, and construction of intake and outfall structures for the purpose of converting it into a water irrigation storage facility. Also proposed are temporary stream crossings, utility line stream and wetlands crossings. The total project wetland impact is 0.72 acre. The site is located along Glen Mills Road (S. R. 4016), approximately 1 mile east of its intersection with Cheyney Road (S. R. 4015) (West Chester, PA Quadrangle N: 8.75 inches; W: 0.5 inch and Media, PA Quadrangle N: 9.0 inches; W: 17.0 inches) in Thornbury Township, **Delaware County**. The permittee will provide 0.89 acre of wetland replacement.

**E15-558.** Encroachment Permit. **Black Rock Country Club**, 2404 Romig Road, Gilbertsville, PA 19525. To construct and maintain an approximately 360 foot long × 5 foot wide floating main dock, 22, 18 foot long finger piers, 3, 18 foot long access ramps and associated 40 foot long by 20 foot wide concrete boat launch ramp, along the southern bank of the Schuylkill River (WWF, MF) for private use. The pier parallels the river bank. This pier is located approximately 500 feet upstream of the Black Rock Road Bridge (S. R. 113) (Phoenixville, PA Quadrangle N: 6.00 inches; W: 1.75 inches) in the Borough of Phoenixville, **Chester County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

*Southcentral Regional Office: Section Chief, Water Management Program, Soils and Waterways Section, 909 Elmerton Avenue, 2nd Floor, Harrisburg, PA 17110, (717) 705-4707.*

**E07-299.** Encroachment. **Daniel Campbell**, 160 McDonald Road, Duncansville, PA 16635. To authorize previously placed unpermitted fill material in the floodway of an unnamed tributary to McDonald Run for the purpose of constructing a parking area for a commercial business located about 0.9 mile west of the village of Leamersville (Hollidaysburg, PA Quadrangle N: 0.61 inch; W: 10.4 inches) in Freedom Township, **Blair County**. This permit was issued under section 105.13(e) "Small Projects."

**E07-300.** Encroachment. **Westvaco Corporation**, Paul Budris, 1600 Pennsylvania Avenue, Tyrone, PA 16686. To remove an existing stone masonry retaining wall and to construct and maintain a 13.0-foot high, 75-foot long steel reinforced concrete retaining wall and to underpin with concrete another 120 feet of existing stone masonry wall along the south side of Bald Eagle Creek (TSF) located at the Westvaco manufacturing facility in Tyrone, PA (Tyrone, PA Quadrangle N: 10.0 inches; W: 15.0 inches) in Snyder Township, **Blair County**. This

permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E38-120.** Encroachment. **Crossgates, Inc.**, Donald Smith, 3555 Washington Road, McMurray, PA 15317. To fill 0.912 acre of wetlands and realign 1,720 linear feet of an intermittent stream channel to Forge Creek for construction of a 1.1 million square foot warehouse/distribution facility consisting of three truck courts, an office building and a 1,200 car parking lot on Lot 1. The five lot Northport Industrial Park will be located at the north-eastern corner of Fisher Avenue and Bordnersville Road about 1/2 mile west of Interchange 30 of Interstate 81 (Indiantown Gap, PA Quadrangle N: 13.75 inches; W: 3.75 inches) in Union Township, **Lebanon County**. The permittee will provide 1.19 acres of replacement wetlands. This permit also includes 401 Water Quality Certification.

*Northeast Regional Office: Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-5485.*

**E52-156.** Encroachment. **Borough of Milford**, 111 West Catherine Street, Milford, PA 18337. To maintain a 12-inch ADS pipe stormwater outfall along the left bank of Sawkill Creek. The project is located along Sawkill Avenue, approximately 600 feet west of the junction of S. R. 0006 and U. S. Route 209 (Milford, PA-NJ Quadrangle N: 13.1 inches; W: 7.7 inches), in Milford Borough, **Pike County**.

*Northcentral Region: Water Management, Soils and Waterways, F. Alan Sever, Chief, 208 West Third St., Williamsport, PA 17701.*

**E14-328.** Encroachment. **Smith Partnership**, James Smith, P. O. Box 679, State College, PA 16804. To construct and maintain a low flow culvert crossing with three 42-inch CMP pipes and two 30-inch CMP pipes in Bullit Run off Bullit Run Road approximately 1 mile north of Route 150 (Mingoville, PA Quadrangle N: 21.75 inches; W: 13.75 inches) in Howard Township, **Centre County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

*Southwest Regional Office: Soils and Waterways Section, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E02-1247.** Encroachment. **The McMurray Road Family Limited Partnership**, 116 Kenric Avenue, Donora, PA 15033. To construct and maintain a parking area, driveway and a walkway/bike trail on the left bank of McLaughlin Run (WWF) to provide access to the residence at Upper St. Clair and to construct and maintain two outfall structures on the left bank of said stream. The project is located on the east side of McMurray Road (S. R. 3004), approximately 700 feet southeast from the intersection of McMurray Road and Washington Road (Bridgeville, PA Quadrangle N: 14.5 inches; W: 9.5 inches) in Upper St. Clair Township, **Allegheny County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

## ENVIRONMENTAL ASSESSMENT

### Environmental Assessment Approvals and Actions on 401 Certification

*Central Office: Bureau of Waterways Engineering, 400 Market Street, 6th Floor, P. O. Box 8554, Harrisburg, PA 17105-8554, (717) 787-8568.*

**EA09-016C0.** Environmental Assessment. **Legacy Oaks Development Associates, L. P.** (975 Easton Road, Warrington, PA 18976). To construct and maintain a nonjurisdictional dam in the watershed of a tributary to Little Neshaminy Creek (WWF, MF) impacting approximately 0.56 acre of wetlands (PEM) for the purpose of stormwater management at the proposed Legacy Oaks subdivision located immediately northwest of the intersection of Street Road (S. R. 3001) and Folly Road (T-389) (Ambler, PA Quadrangle N: 22.60 inches; W: 6.25 inches) in Warrington Township, **Bucks County**.

**EA14-003C0.** Environmental Assessment. **Rockspar Land Development** (185 Haymaker Circle, State College, PA 16801). To construct and maintain a nonjurisdictional dam across a tributary to Little Fishing Creek (HQ-CWF) for recreation located in Markle Gap (Madisonburg, PA Quadrangle N: 11.25 inches; W: 14.85 inches) in Walker Township, **Centre County**.

## SPECIAL NOTICES

### Request for Proposals for Municipal Solid Waste Services for Snyder County

In accordance with section 272 of the Pennsylvania Solid Waste Rules and Regulations (as amended) and section 502(d) of Act 101 of 1988, the Municipal Waste Planning, Recycling and Waste Reduction Act, the County of Snyder has determined that waste disposal capacity for municipal solid waste (MSW) including construction/demolition (C/D) waste and sewage sludge generated within the county is required for a minimum of 5 years and a maximum of 10 years. The county is hereby soliciting proposals for disposal of county generated MSW, to begin on January 1, 2001.

Sealed proposals will be received by the Snyder County Solid Waste Management Authority at the Snyder County Courthouse, 9 West Market Street, P. O. Box 2217, Middleburg, PA 17842 until 4 p.m., on Wednesday, March 3, 1999. All proposals will be publicly opened by the Snyder County Solid Waste Management Authority at 8 p.m. on Wednesday, March 3, 1999, at the County Courthouse.

Copies of the RFP may be purchased on or after January 11, 1999, only from the Snyder County Solid Waste Management Authority, Office of the County Recycling Coordinator, County Courthouse, Middleburg, PA 17842, (717) 837-4291 by prepayment of a nonrefundable amount of \$50 per proposal. Make checks payable to the Snyder County Solid Waste Management Authority.

All proposals must be made on the proposal forms and be in accordance with the instruction to proposers contained in this Request for Proposals. Envelopes containing the proposals must be sealed and clearly labeled to show the name and address of the proposer, the statement "Proposal for Municipal Solid Waste Services" and be addressed to: Snyder County Solid Waste Management Authority, Snyder County Courthouse, 9 West Market Street, P. O. Box 217, Middleburg, PA 17842, Attention: Debbie Wolf, Recycling Coordinator.

Snyder County reserves the right to reject any or all proposals, to waive any irregularities or informalities in any proposal and to make an award in any manner, consistent with applicable laws, which is deemed to be in the best interest of the county.

**Submission Date for Grant Applications Under the  
Solid Waste-Resource Recovery Development  
Act 198 of 1974**

The Department of Environmental Protection (Department) announces that it is accepting Resource Recovery Demonstration Grant applications from counties, municipalities and municipal authorities within this Commonwealth under the Pennsylvania Solid Waste-Resource Recovery Development Act of 1974, Act 198. Projects must be capable of demonstrating, for a minimum of 2 years, the production of energy or the recovery of materials from solid waste (except sewage sludge). Grant applications must meet the terms and conditions established in Chapter 76 of the Department's regulations adopted under Act 198.

Priority in selecting successful applicants during this application solicitation will be given to unique and innovative resource recovery projects not previously demonstrated or currently being demonstrated in this Commonwealth. Priority in selecting successful applicants during this application solicitation will also be given to unique and innovative resource recovery demonstration projects involving regional cooperative projects involving more than one county or municipality. Other types of resource recovery projects may also be considered. All projects must be capable of being replicated in other areas of this Commonwealth.

All applicants must provide a business plan and market commitments for energy or materials produced by the

demonstration project. All projects should be capable of reaching full scale production within 12 months of notice of a grant award.

A lead municipality or county serving as the development agency for regional projects must have resolutions from other participating counties or municipalities in support of the project. Counties and municipalities may sponsor cooperative projects with private sector entities provided that a minimum of 5% equity in the project is maintained by the development agency for the term of the demonstration period.

The deadline for submission of grant applications is 3 p.m. March 18, 1999. Applications must be on forms provided by the Department. Applications received by the Department or post marked after the deadline will not be considered during this application solicitation.

Counties and municipalities must contact the appropriate Department Planning and Recycling Coordinator listed to obtain a grant application. A pre-application conference with the DEP Regional Planning and Recycling Coordinator is required. Inquiries concerning this notice should be directed to Carl Hursh, Chief, Recycling and Markets, Department of Environmental Protection, Bureau of Land Recycling and Waste Management, Division of Waste Minimization and Planning, Rachel Carson State Office Building, P. O. Box 8472, Harrisburg, PA 17105-8472.

**Regional Planning and Recycling Coordinators**

*Southeast Region*

DEP, Bureau of Land Recycling and Waste Management  
Lee Park, Suite 6010, 555 North Lane  
Conshohocken, PA 19428-2233

Calvin Lignons  
Ann Ryan  
Mary Alice Reisse  
(610) 832-6212

*Bucks, Chester, Delaware, Montgomery and Philadelphia Counties*

*Northeast Region*

DEP, Bureau of Land Recycling and Waste Management  
2 Public Square  
Wilkes-Barre, PA 18711-0790

Chris Fritz  
Joan Banyas  
(717) 826-2516

*Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Schuylkill, Susquehanna, Wayne and Wyoming Counties*

*Southcentral Region*

DEP, Bureau of Land Recycling and Waste Management  
909 Elmerton Avenue  
Harrisburg, PA 17110-8200

Belinda May  
(717) 705-4706

*Adams, Bedford, Berks, Blair, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lancaster, Lebanon, Mifflin, Perry and York Counties*

*Northcentral Region*

DEP, Bureau of Land Recycling and Waste Management  
208 W. 3rd Street, Suite 101  
Williamsport, PA 17701

Ron Sommers  
(717) 327-3653

*Bradford, Cameron, Centre, Clearfield, Clinton, Columbia, Lycoming, Montour, Northumberland, Potter, Snyder, Sullivan, Tioga and Union Counties*

*Southwest Region*

DEP, Bureau of Land Recycling and Waste Management  
400 Waterfront Drive  
Pittsburgh, PA 15222-4745

Sharon Svitek  
Stephen Sales  
Bob Emmert  
(412) 442-4000

*Allegheny, Armstrong, Beaver, Cambria, Fayette, Greene, Indiana, Somerset, Washington and Westmoreland Counties*

*Northwest Region*

DEP, Bureau of Land Recycling and Waste Management  
230 Chestnut Street  
Meadville, PA 16335-3481

Guy McUmbur  
(814) 332-6848

*Butler, Clarion, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, McKean, Mercer, Venango and Warren Counties*

**Proposed Source Water Assessment and Protection Program for Public Drinking Water Sources Under the Safe Drinking Water Act Amendments**

As required under section 1453 of the Safe Drinking Water Act, the Department of Environmental Protection (Department) has developed a proposed source water assessment and protection (SWAP) program to protect drinking water sources used by public drinking water systems from contamination that may have an adverse effect on public health. The proposed SWAP program has been developed, as required, in accordance with the *State Source Water Assessment and Protection Programs Guidance (Final Guidance)*, published by the United States Environmental Protection Agency (EPA) on August 6, 1997. The SWAP program is required to be submitted to the EPA by February 6, 1999. The State is required to have all water sources serving public drinking water systems to be assessed 2 years after EPA approval of the State SWAP program. Participation in the source water protection portion of the program is voluntary for water purveyors. The Wellhead Protection Program which was submitted to the EPA in March of 1998 in compliance with section 1428 of the Safe Drinking Water Act will serve as the cornerstone of the SWAP program and addresses most aspects of assessments for groundwater sources serving public water systems.

Following the public comment period which closes January 22, 1999, the Department will submit the document, *Pennsylvania Source Water Assessment and Protection Program* to the EPA for approval.

Requests for copies of the document, *Pennsylvania Proposed Source Water Assessment and Protection Program*, and written comments may be directed to Joseph J. Lee, Jr., Chief, Source Protection Section, Division of Drinking Water Management, Bureau of Water Supply Management, P. O. Box 8467, Harrisburg, PA 17105-8467, (717) 772-4018. The document, *Pennsylvania Proposed Source Water Assessment and Protection Program*, is also available on the DEP website at <http://www.dep.state.pa.us> (choose information by Subject/Water Management/Drinking).

[Pa.B. Doc. No. 98-2118. Filed for public inspection December 24, 1998, 9:00 a.m.]

**Advisory Board/Committee Meetings Schedules for 1999**

The following is a list of 1999 meetings of the advisory boards and committees associated with the Department of Environmental Protection (Department). Notice of these meetings is being given in accordance with the Sunshine Act.

These schedules and an agenda for each meeting will be available through the Public Participation Center on the Department's Web site at <http://www.dep.state.pa.us>.  
*Agricultural Advisory Board*

The Agricultural Advisory Board meetings for 1999 will be held the third Wednesday of the even numbered

months, with the exception of the month of August, when the meeting will be the fourth Wednesday of the month. All meetings will begin at 10 a.m. and will be held in Room 105 of the Rachel Carson State Office Building on the following dates:

February 17, 1999  
April 21, 1999  
June 16, 1999  
August 25, 1999  
October 20, 1999  
December 15, 1999

Contact: Dean Auchenbach, Bureau of Water Quality Protection, P. O. Box 8465, Harrisburg, PA 17105-8465, (717) 772-5668 or e-mail [Auchenbach.Dean@a1.dep.state.pa.us](mailto:Auchenbach.Dean@a1.dep.state.pa.us).

*Air Quality Technical Advisory Committee*

The Air Quality Technical Advisory Committee (AQTAC) meetings will be held at 9:30 a.m. in Room 105 of the Rachel Carson State Office Building, unless otherwise noted, on the following dates:

January 22, 1999 (C. Ted Lick Wildwood Conference Center, Harrisburg Area Community College)  
March 25, 1999  
May 21, 1999  
July 22, 1999  
September 24, 1999  
November 18, 1999

Contact: Terry Black, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-2030 or e-mail [Black.Terry@a1.dep.state.pa.us](mailto:Black.Terry@a1.dep.state.pa.us).

*Biosolids Education Workgroup*

The Biosolids Education Workgroup meetings will be held at 9:30 a.m. in the 10th Floor Conference Room of the Rachel Carson State Office Building on the following dates:

January 21, 1999  
March 18, 1999  
May 20, 1999  
July 15, 1999  
September 16, 1999  
November 18, 1999

Contact: John W. Borland, Division of Wastewater Management, P. O. Box 8774, Harrisburg, PA 17105-8774, (717) 783-7423 or e-mail [Borland.John@a1.dep.state.pa.us](mailto:Borland.John@a1.dep.state.pa.us).

*Biosolids Technical Workgroup*

The Biosolids Technical Workgroup meetings will be held at 9:30 a.m. in the 10th Floor Conference Room of the Rachel Carson State Office Building on the following dates:

January 15, 1999  
March 19, 1999  
May 6, 1999  
July 9, 1999  
September 2, 1999  
November 4, 1999

Contact: John W. Borland, Division of Wastewater Management, P. O. Box 8774, Harrisburg, PA 17105-8774, (717) 783-7423 or e-mail Borland.John@a1.dep.state.pa.us.

*Bituminous Mine Safety Advisory Committee*

The Pennsylvania Bituminous Mine Safety Advisory Committee meetings will be held at 10 a.m. in the Fayette County Health Center in Uniontown on the following dates:

January 27, 1999  
April 14, 1999  
July 14, 1999  
October 13, 1999

Contact: Allison Trader, Bureau of Deep Mine Safety, Fayette County Health Center, Room 167, 100 New Salem Road, Uniontown, PA 15401, (724) 439-7469 or e-mail Trader.Allison@a1.dep.state.pa.us.

*Chesapeake Bay Advisory Committee to the State Conservation Commission*

The Chesapeake Bay Advisory Committee to the State Conservation Commission meetings will be held at 9 a.m. in Room 105 of the Rachel Carson State Office Building, unless otherwise noted, on the following dates:

March 11, 1999 (14th Floor Conference Room, Rachel Carson State Office Building)  
June 3, 1999  
September 2, 1999  
December 2, 1999

Contact: Dean Auchenbach, Bureau of Water Quality Protection, P. O. Box 8465, Harrisburg, PA 17105-8465, (717) 772-5668 or e-mail Auchenbach.Dean@a1.dep.state.pa.us.

*Citizens Advisory Council*

The Citizens Advisory Council meetings will be held in Room 105 of the Rachel Carson State Office Building unless otherwise noted. The meetings typically begin at 10 a.m.

January 11, 1999 (2nd Floor Training Room)  
February 8, 1999  
March 15, 1999  
April 19, 1999  
May 17, 1999  
June 14, 1999  
July 19, 1999  
September 20, 1999  
October 18, 1999  
November 15, 1999

Contact: Stephanie Mioff, Citizens Advisory Council, P. O. Box 8459, Harrisburg, PA 17105-8459, (717) 787-4527 or e-mail Mioff.Stephanie@a1.dep.state.pa.us

*Cleanup Standards Scientific Advisory Board*

The Cleanup Standards Scientific Advisory Board (CSSAB) meetings will be held in the 14th Floor Conference Room of the Rachel Carson State Office Building at 9:30 a.m. on the following dates:

February 25, 1999  
May 20, 1999  
August 26, 1999  
December 2, 1999

Contact: Marilyn Wooding, Bureau of Land Recycling and Waste Management, (717) 783-7509, or e-mail

Wooding.Marilyn@a1.dep.state.pa.us or Thomas Fidler at the same number or through e-mail Fidler.Thomas@a1.dep.state.pa.us.

*Coastal Zone Advisory Committee*

Notice is hereby given of a meeting of the Coastal Zone Advisory Committee on January 27, 1999 to review and approve 1999 state agency projects for the Coastal Zone Program and to provide participation in the review of coastal zone related programs in Pennsylvania. The meeting will begin at 10 a.m. in the 10th Floor Conference Room of the Rachel Carson State Office Building.

Contact: Robert S. Edwards, Bureau of Watershed Conservation, P. O. Box 8555, Harrisburg, PA 17105-8555, (717) 787-5259 or e-mail Edwards.Robert@a1.dep.state.pa.us.

*Drinking Water Work Group*

The Drinking Water Work Group meeting will be held on January 20, 1999 at 9:30 a.m. The tentative location of this meeting is the Pennsylvania Authorities Association Headquarters, Suite 401, 4th Floor, 1000 N. Front Street, Wormleysburg, Pa.

Contact: Barry Greenawald, Bureau of Water Supply Management, P. O. Box 8467, Harrisburg, PA 17105-8467, (717) 787-0127 or e-mail Greenawald.Barry@a1.dep.state.pa.us.

*Environmental Quality Board*

Environmental Quality Board meetings for 1999 are scheduled for 10 a.m. the third Tuesday of each month, except as noted, in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg. Meetings will only be held when there is a sufficient number of agenda items for consideration. Note that the January meeting is cancelled due to Inauguration Day.

The meeting dates are as follows:

January 19 (cancelled)	July 20
February 16	August 17
March 16	September 21
April 20	October 19
*May 19	November 16
June 15	December 21

\* Please note that the May meeting is scheduled for Wednesday due to Primary Election Day.

Contact: Sharon Freeman, Regulatory Coordinator, P. O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526, e-mail Freeman.Sharon@dep.state.pa.us.

*Low-Level Waste Advisory Committee*

The Low-Level Waste Advisory Committee (LLWAC) meeting for 1999 will be held on September 17, 1999, at 9 a.m. in Room 105 of the Rachel Carson State Office Building. The purpose of the meeting is to review and discuss progress on the suspension of the Low-Level Radioactive Waste Siting Process and project shutdown activities.

Contact: Rich Janati, Bureau of Radiation Protection, P. O. Box 8469, Harrisburg, PA 17105-8469, (717) 787-2163 or e-mail Janati.Rich@a1.dep.state.pa.us.

*Mine Subsidence Insurance Board*

The Mine Subsidence Insurance (MSI) Board will hold one regular meeting within the first two weeks of October 1999. Specific information concerning this meeting will be announced in September.

Contact: Larry Ruane, Bureau of Mining and Reclamation, P. O. Box 8461, Harrisburg, PA 17105-8461, (717) 783-9586 or e-mail Ruane.Lawrence@a1.dep.state.pa.us.

*Mining and Reclamation Advisory Board*

Meetings of the Mining and Reclamation Advisory Board (MRAB) will be held at 10 a.m. in the Rachel Carson State Office Building, unless otherwise noted, on the following dates:

January 14, 1999 10th Fl. Conference Room, RCSOB,  
10 a.m.—2 p.m.  
April 22, 1999 Delaware Room, 16th Fl., RCSOB,  
10 a.m.—2 p.m.  
July 1, 1999 Fieldtrip: Location and time not yet  
determined.  
October 28, 1999 Delaware Room, 16th Fl., RCSOB,  
10 a.m.—2 p.m.

Contact Person: Natalie N. Shepherd, Office of Mineral Resources Management, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 783-5338 or e-mail Shepherd.Natalie@a1.dep.state.pa.us.

*Non-Point Source Liaison Workgroup*

The Non-Point Source Liaison Workgroup meetings will be held at 10 a.m. in Room 105 of the Rachel Carson State Office Building on the following dates:

May 5, 1999  
October 28, 1999

Contact: Fran Koch, Bureau of Watershed Conservation, P. O. Box 8555, Harrisburg, PA 17105-8555, at (717) 787-4806 or e-mail Koch.Frances@a1.dep.state.pa.us

*Oil and Gas Technical Advisory Board*

The Oil and Gas Technical Advisory Board has scheduled one meeting on July 20, 1999, at 10 a.m. in the 5th Floor Conference Room of the Rachel Carson State Office Building.

Contact: James Erb, Director, Bureau of Oil and Gas Management, P. O. Box 8765, Harrisburg, PA 17105-8765, (717) 772-2199 or e-mail Erb.James@a1.dep.state.pa.us.

*Radiation Protection Advisory Committee*

The Radiation Protection Advisory Committee meeting will be held on March 18, 1999, at 9 a.m. in Room 105 of the Rachel Carson State Office Building.

Contact: Stuart Levin, Bureau of Radiation Protection, P. O. Box 8469, Harrisburg, PA 17105-8469, (717) 787-3720 or e-mail Levin.Stuart@a1.dep.state.pa.us.

*Recycling Fund Advisory Committee*

The Recycling Fund Advisory Committee meeting will be held on July 8, 1999, at 10 a.m. in Room 105 of the Rachel Carson State Office Building.

Contact: Diana Welker, Bureau of Land Recycling and Waste Management, P. O. Box 8472, Harrisburg, PA, 17105-8472, (717) 787-7382 or e-mail Welker.Diana@dep.state.pa.us.

*Sewage Advisory Committee*

The Pennsylvania Sewage Advisory Committee meetings will be held at 10:30 a.m. in Room 105 of the Rachel Carson State Office Building on the following dates:

March 10, 1999  
November 10, 1999

This committee has four subcommittees: Regulations, Alternate Technology Review, Base Planning, and Sewage Enforcement Officer Continuing Education. The subcom-

mittees act as workgroups, and each considers details of regulatory subjects on which the Committee needs, or is required by law, to give advice to the Department.

Subcommittee meetings of the Committee are held at the call of the subcommittee chairpersons, when needed. Prior notice of these meetings is given, as needed, conforming to the requirements of the Sunshine Act.

Contact: John McHale, Bureau of Water Quality Protection, P. O. Box 8774, Harrisburg, PA 17105-8774, (717) 783-2290 or e-mail McHale.John@a1.dep.state.pa.us.

*Small Business Assistance Program Compliance Advisory Committee*

The Small Business Compliance Advisory Committee meetings will be held at 10:30 a.m. in the 14th Floor Conference Room of the Rachel Carson State Office Building on the following dates:

January 27, 1999  
April 28, 1999  
July 28, 1999  
October 27, 1999

Contact: Scott Kepner, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-1663 or e-mail Kepner.Scott@a1.dep.state.pa.us.

*Solid Waste Advisory Committee*

The Solid Waste Advisory Committee meetings will be held at 10 a.m. in Room 105 of the Rachel Carson State Office Building, unless otherwise noted, on the following dates:

January 14, 1999  
March 11, 1999  
May 13, 1999  
September 9-10, 1999 (King's Gap Environmental Education Center, Carlisle, PA)  
November 4, 1999

Contact: Rose Prough or Gayle Leader, Bureau of Land Recycling and Waste Management, P. O. Box 8471, Harrisburg, PA, 17105-8471, (717) 787-9871 or e-mail Leader.Gayle@dep.state.pa.us.

*State Conservation Commission*

The State Conservation Commission meetings will be held on the following dates and locations:

January 7, 1999	1 p.m.	Room 304, Agriculture Building, 2301 N. Cameron Street, Harrisburg
March 17, 1999	1 p.m.	Holiday Inn, Grantville
May 20, 1999	1 p.m.	Toftrees, State College
July 28, 1999		(time and location to be announced)
November 8, 1999		(time and location to be announced)

Contact: Karl Brown, State Conservation Commission, Room 407, Agriculture Building, 2301 N. Cameron Street, Harrisburg, PA 17110-9408, (717) 787-8821.

*Storage Tank Advisory Committee*

The Storage Tank Advisory Committee (STAC) meetings will be held in the 10th Floor Conference Room of the Rachel Carson State Office Building on the following dates. All meetings are expected to begin at 10 a.m. However, dates, times and locations are subject to change and should be confirmed prior to each meeting.

February 2, 1999  
June 1, 1999  
October 5, 1999

Contact: C. Kay Hawk, Bureau of Watershed Conservation, P. O. Box 8555, Harrisburg, PA 17105-8555, (800) 42-TANKS (toll-free within Pennsylvania) or (717) 772-5599 or e-mail Hawk.Kay@a1.dep.state.pa.us.

*Technical Advisory Committee on Diesel-Powered Equipment*

The Technical Advisory Committee on Diesel-Powered Equipment (TAC) meetings will be held at 10 a.m. in the Fayette County Health Center in Uniontown on the following dates:

January 22, 1999  
April 21, 1999  
July 21, 1999  
October 20, 1999

Contact: Allison Trader, Bureau of Deep Mine Safety, Fayette County Health Center, Room 167, 100 New Salem Road, Uniontown, PA 15401, (724) 439-7469 or e-mail Trader.Allison@a1.dep.state.pa.us.

*Technical Assistance Center for Small Water Systems*

The Technical Assistance Center for Small Water Systems announces its schedule of 1999 meetings. The meetings will be held at 9:30 a.m. in the Rachel Carson State Office Building as listed below:

January 22	10th Floor Conference Room
May 11	Room 105, 1st Floor
August 10	Room 105, 1st Floor
November 9	Room 105, 1st Floor

Contact: Donna Green, Bureau of Water Supply Management, P. O. Box 8467, Harrisburg, PA 17105-8467, (717) 787-0122 or e-mail Green.Donna@a1.dep.state.pa.us

*Volunteer Environmental Monitoring Panel*

The Volunteer Environmental Monitoring Panel meetings will be held at 11 a.m. in the 14th Floor Conference Room of the Rachel Carson State Office Building on the following dates:

April 30, 1999  
November 19, 1999

Contact: Diane Wilson, Bureau of Watershed Conservation, P. O. Box 8555, Harrisburg, PA 17105-8555, (717) 787-3730 or e-mail Wilson.Diane@a1.dep.state.pa.us.

*Wastewater Work Group*

The Wastewater Work Group meeting will be held on February 9, 1999, at 9:30 a.m. in the 14th Floor Conference Room of the Rachel Carson State Office Building.

Contact: Barry Greenawald, Bureau of Water Supply Management, P. O. Box 8467, Harrisburg, PA 17105-8467, (717) 787-0127 or e-mail Greenawald.Barry@a1.dep.state.pa.us.

*Water Resources Advisory Committee*

The Water Resources Advisory Committee will meet at 10 a.m. in the Rachel Carson State Office Building on the following dates:

January 13, 1999	16th Floor, Delaware Room
March 10, 1999	16th Floor, Delaware Room
March 17, 1999	Room 105
May 12, 1999	10th Floor Conference Room
July 14, 1999	Room 105
September 8, 1999	16th Floor, Delaware Room
November 10, 1999	10th Floor, Conference Room

Contact: Carol Young, Office of Water Management, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 787-4686 or e-mail Young.Carol@a1.dep.state.pa.us.

*Wetlands Protection Advisory Committee*

The Wetlands Protection Advisory Committee (WETPAC) meetings will be held at 10 a.m. in Room 105 of the Rachel Carson State Office Building on the following dates:

January 5, 1999  
March 2, 1999  
May 4, 1999  
July 6, 1999  
September 7, 1999  
November 3, 1999

Contact: Kelly Heffner, Bureau of Water Quality Protection, P. O. Box 8465, Harrisburg, PA 17105-8465, (717) 787-6827 or e-mail Heffner.Kelly@a1.dep.state.pa.us.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the individual listed for each board/committee or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 98-2119. Filed for public inspection December 24, 1998, 9:00 a.m.]

## Availability of Technical Guidance

Technical Guidance Documents are on DEP's World Wide Web site (<http://www.dep.state.pa.us>) at the Public Participation Center. The "July 1998 Inventory" heading is the Governor's List of Nonregulatory Documents. The "Search the Inventory of Technical Guidance Documents" heading is a database of the Inventory. The "Final Documents" heading is the link to a menu of the various DEP bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to DEP's draft technical guidance documents.

DEP will continue to revise its documents, as necessary, throughout 1998.

*Ordering Paper Copies of DEP Technical Guidance*

Persons can order a bound paper copy of the latest Inventory or an unbound paper copy of any of the final documents listed on the Inventory by calling DEP at (717) 783-8727.

In addition, bound copies of some of DEP's documents are available as DEP publications. Please check with the appropriate bureau for more information about the availability of a particular document as a publication.

*Changes to Technical Guidance Documents*

Here is the current list of recent changes. Persons who have any questions or comments about a particular document should call the contact person whose name and phone number is listed with each document. Persons who have questions or comments in general should call Joe Sieber at (717) 783-8727.

*Final Technical Guidance*

DEP ID 393-4180-003 Title: Strategy for Addressing the 1998 Federal and State Deadline for Upgrading Existing



**Underground Storage Tanks Description:** This document provides guidance on how the Department plans to bring underground storage tanks into compliance with the December 22, 1998 deadline. Effective Date: November 24, 1998 Contact: Glenn H. Rider at (717) 772-5551.

DEP ID 383-2125-208 Title: Public Water Supply Manual—Part II Description: This guidance document applies to all community water systems with regard to permitting and design standards. Effective Date: November 28, 1998 Contact: Trudy Troutman at (717) 783-3795.

DEP ID 012-5500-002 Title: Environmental Education Grants Elective Program Description: The purpose of this guidance is to provide occasional Environmental Education Grants to sound environmental education proposals unable to be effective on the competitive grant time line or in the competitive grant process. Effective Date: January 1, 1999 Contact: Heidi Haertsch at (717) 705-3767.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 98-2120. Filed for public inspection December 24, 1998, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of the Children's Institute of Pittsburgh for Exception to 28 Pa. Code § 107.2

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that The Children's Institute of Pittsburgh has requested an exception to the requirements of 28 Pa. Code § 107.2, so that it be permitted to allow podiatrists to be members of the medical staff.

The request is on file with the Department. Persons may receive a copy of the request for exception by requesting a copy from: Division of Acute and Ambulatory Care, PA Department of Health, Room 532 Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, E-Mail Address: LVIA@HEALTH.STATE.PA.US.

Those persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aide service or other accommodation to do so, should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

DANIEL F. HOFFMANN,  
*Secretary*

[Pa.B. Doc. No. 98-2121. Filed for public inspection December 24, 1998, 9:00 a.m.]

### Application of Pennsylvania Rehabilitation Group, Inc., for Exception to 28 Pa. Code § 153.1(b)

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Pennsylvania Rehabilitation Group, Inc. has requested an exception to the requirements of 28 Pa. Code § 153.1 (b), referencing the "Guidelines for Design and Construction of Hospital and Health Care Facilities," 1996-1997 Edition, for the Tower Building of Mt. Sinai Hospital, 4th and Reed Street, Philadelphia, PA.

The above petitioner is proposing to utilize portions of Mt. Sinai for a rehabilitation facility, and has requested several exceptions to Chapter 10 of the "Guidelines," as follows:

- Section 10.2 C—The petitioner proposes to perform evaluations of rehabilitation patients within the examination room(s), rather than having separate evaluation rooms or areas. The "Guidelines" indicates that "where the facility is small and workload light, evaluation may be done in the examination room(s)."

- Section 10.15.A2—The petitioner is requesting a waiver for the minimum patient room sizes for multi-bed (semi-private) rooms, which are approximately 226 square feet in area, or 113 square feet per bed as opposed to the 125 square feet per bed minimum specified in the "Guidelines." The rooms are existing and modification of the rooms and plumbing stacks for each room would be prohibitive.

- Section 10.15.A2—The petitioner is requesting a waiver for the clearances required at the foot of the bed, 3 feet 8 inches minimum, in multi-bed patient rooms. This clearance is required to permit the passage of equipment and beds. The petitioner indicates that the present room configuration complies with this requirement, however another section of the "Guidelines," (Section 10.15.A7), requires a wardrobe, closet, or locker for each patient which is at least 1 foot 10 inches by 1 foot 8 inches in clear dimensions. The existing wardrobe units do not meet this size requirement, and would be removed and replaced with new units. The new wardrobe units would restrict the access entry into the patient rooms, requiring relocation to a new location at the foot of the beds. This location leaves a clear width of approximately 3 feet 6 inches at the foot of the bed where the proposed wardrobe would be installed.

The request is on file with the Department. Persons may receive a copy of the request for exception by requesting a copy from: Division of Acute & Ambulatory Care, Room 530 Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, e-mail address: LVIA@HEALTH.STATE.PA.US.

Those persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed above.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aide service or other accommodation to do so, should contact Director, Division of Acute & Ambulatory Care at (717) 783-8980, V\TT: (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

DANIEL F. HOFFMANN,  
*Secretary*

[Pa.B. Doc. No. 98-2122. Filed for public inspection December 24, 1998, 9:00 a.m.]

### Drug, Device and Cosmetic Board Meeting

A meeting of the Department of Health's Drug, Device and Cosmetic Board has been scheduled for January 6, 1999. The Board meeting will be held from 10 a.m. to 2 p.m. in Room 812 of the Health and Welfare Building, Seventh and Forster Streets, Harrisburg, PA. The purpose of the meeting is for the Board to review a petition presented by the Attorney General of Pennsylvania requesting that the drug Gamma Hydroxybutyrate (GHB) be scheduled as a Schedule I controlled substance in the Controlled Substance Drug, Device and Cosmetic Act and regulations. A Schedule I controlled substance is a drug with a high potential for abuse with no currently accepted medical use in the United States and a lack of accepted safety for use under medical supervision.

For additional information, or for persons with a disability who desire to attend the meeting and require an auxiliary aide service, or other accommodation to do so, contact John Hair, Director, Bureau of Community Program Licensure and Certification at (717) 783-8665.

V\TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Services at (800) 654-5984 [TT].

This meeting is subject to cancellation without notice.

DANIEL F. HOFFMANN,  
*Secretary*

[Pa.B. Doc. No. 98-2123. Filed for public inspection December 24, 1998, 9:00 a.m.]

### State Licensure of Hospice

The Department of Health (Department) is currently accepting applications for licensure as a hospice under the passage of Senate Bill 996, signed into law as Act 95 of 1998, which amends the definition of "health care facility" in section 802.1 of the act of July 19, 1979 (P. L. 130, No. 48), known as the Health Care Facilities Act (Act). As a result of Act 95, hospice is now also included within the definition of a "health care facility" for licensure purposes. The amendment to the Health Care Facilities Act requiring the licensure of hospice takes effect on January 14, 1999.

Section 802.1 of the Act defines "hospice" as:

An organization licensed under this Act to provide a coordinated program of palliative and supportive services provided in a home, independent living environment or inpatient setting which provides for physical, psychological, social and spiritual care of dying persons and their families. Services are provided by a medically directed

interdisciplinary team of professionals and volunteers and bereavement care is available to the family following the death of the patient. The term shall also be deemed to refer to services provided by such an organization.

Section 806(a) of the Act requires that no person shall maintain or operate or hold itself out to be a health care facility without first having obtained a license issued by the Department. However, section 806(g)(3) of the Act provides that:

Notwithstanding any provision to the contrary, any organization which provides or coordinates the provision of volunteer services for Medicare-certified hospice providers in the hospice delivery systems of its community and which:

(i) used "hospice" in its name prior to January 1, 1990;

(ii) qualified for exemption from Federal income taxation under section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C.A. § 1 et seq.) prior to the effective date of the subsection; and

(iii) registered with the Department of State pursuant to the act of December 19, 1990 (P. L. 1200, No. 202), known as the "Solicitation of Funds for Charitable Purposes Act," prior to the effective date of this subsection; may continue to use its name as heretofore.

#### *Interim Guidelines*

Under section 3 of Act 95, which amends section 806(g)(2) of the Act, to require the Department to operate the hospice program under interim guidelines as set forth in that paragraph until the Department adopts its own regulations, the Medicare Conditions of Participation, Title XVIII of the Social Security Act, 42 CFR 418 et seq., will be used to regulate hospice organizations until the Department's "hospice" regulations are published as final. The Medicare regulations are accessible by visiting the Department's web site at [www.health.state.pa.us](http://www.health.state.pa.us).

#### *Guidelines for Implementation Period*

##### *Medicare Certified Hospices*

Organizations currently certified under Medicare as a "hospice" will be mailed licensure instructions to the address listed in the Medicare certification. Until the Department provides for a fee by regulation, upon receipt of an application and a \$250 fee, all Medicare certified hospices will be sent a license for a 1 year period effective on the date the license is mailed to the hospice provider.

Prior to expiration of the licenses and by April 2000, half of the hospices will be surveyed onsite and half will be surveyed offsite by written survey. The Department's criteria for determining organizations to be surveyed onsite will be the length of time since the last onsite Medicare certification survey. The surveys will begin in April 1999.

##### *Non-Medicare Certified Hospices*

All organizations that are not Medicare certified and apply for licensure will be surveyed onsite. Successful survey results will be the basis for the issuance of the license to non-Medicare certified hospice providers.

If an organization falls under the definition of "hospice" in the Act and the organization is not currently Medicare certified, request an application for licensure at the following address:

Pennsylvania Department of Health  
Division of Home Health Care  
132 Kline Plaza, Suite A  
Harrisburg, PA 17104

or visit the Department's web site, [www.health.state.pa.us](http://www.health.state.pa.us), to download a copy of the application.

Hospice organizations shall submit their licensure application to the Department by March 31, 1999, or inform the Division of Home Health of any delay or inability to apply by that date.

Questions regarding the Department's licensure of hospices should be directed to the PA Department of Health's Division of Home Health at (717) 783-1380. Alternatively, questions may be submitted to the Department at [www.health.state.pa.us](http://www.health.state.pa.us). Persons with a disability may also submit questions to the program at 132 Kline Plaza, Suite A, Harrisburg, PA 17104 in alternative formats, such as by audiotape, braille or using V/TT: (717) 783-6514 or Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

DANIEL F. HOFFMANN,  
*Secretary*

[Pa.B. Doc. No. 98-2124. Filed for public inspection December 24, 1998, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Public Notice of the Department's Intent to Make a Disproportionate Share Payment to Certain Qualifying Hospitals

The purpose of this notice is to provide prior public notice of the Department of Public Welfare's (Department's) intent to establish an additional class of disproportionate share payments for certain qualifying hospitals. This change is effective January 15, 1999 through June 30, 1999.

The Department intends to make this payment, in addition to the classes of payment already made under the Medical Assistance (MA) Program, to certain hospitals which the Department has determined provide a high volume of services related to MA births.

The Department intends to consider a hospital eligible if:

- (a) The hospital is enrolled as an acute care general hospital (provider type 11); and
- (b) The hospital is located in a Federal Empowerment Zone; and
- (c) In Calendar Year 1996, the hospital had more than 3,500 fee-for-service MA claims; and
- (d) In Calendar Year 1996, more than 25% of the hospital's overall fee-for-service MA claims were related to MA births (specifically, DRGs 370 through 375 and 385 through 391).

The Department intends to allocate \$3.5 million from the State General Fund for this additional disproportionate share payment. Payments will be divided proportionally between qualifying hospitals based on the percentage of each qualifying hospital's fee-for-service MA births to total fee-for-service MA births of all qualifying facilities. All payment limitations are still applicable, namely, the Commonwealth may not exceed its aggregate annual disproportionate share allotment, and no hospital may receive disproportionate share payments in excess of its hospital-specific limit.

### *Fiscal Impact*

For Fiscal Year 1998-99, the fiscal impact as a result of the disproportionate share payment will be \$7.6 million in total funds (\$3.5 million in State General funds and \$4.1 million in Federal funds).

### *Contact Person*

A copy of this notice is available for review at local County Assistance Offices.

Interested persons are invited to submit written comments to this notice within 15 days of this publication. These comments should be sent to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Deputy Secretary's Office, Attention: Regulations Coordinator, Room 515 Health and Welfare Building, Harrisburg, PA 17120.

Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD Users) or (800) 654-5988 (Voice Users). Person who require an alternate format should contact Thomas Vracarich at (717) 783-2209.

FEATHER O. HOUSTOUN,  
*Secretary*

**Fiscal Note:** 14-NOT-188. (1) General Fund; (2) Implementing Year 1998-99 is \$3.5 million; (3) 1st Succeeding Year 1999-00 is \$0 million; 2nd Succeeding Year 2000-01 is \$0 million; 3rd Succeeding Year 2001-02 is \$0 million; 4th Succeeding Year 2002-03 is \$0 million; 5th Succeeding Year 2003-04 is \$0 million; (4) FY 1997-98 \$428 million; FY 1996-97 \$436 million; FY 1995-96 \$452 million; (7) Medical Assistance-Inpatient; (8) recommends adoption. This is a one-time increase in payments. Funds are included in the 1998-99 budget for this purpose.

[Pa.B. Doc. No. 98-2125. Filed for public inspection December 24, 1998, 9:00 a.m.]

### Public Notice of the Department's Intent to Revise Community Access Disproportionate Share Payments

The purpose of this announcement is to provide prior public notice of changes to the Department of Public Welfare's (Department's) previously established additional class of disproportionate share payments. This announcement provides notice of an additional qualifying method for disproportionate share payments. These changes are effective January 15, 1999.

Under State Plan Amendment (SPA) 97-01 which was subsequently amended by SPA 98-03, the Department established a new class of disproportionate share payments known as Community Access payments, in addition to the classes of payment already provided under the Medical Assistance Program. Community Access payments are made to those hospitals which render uncompensated care and which the Department has determined are experiencing significant revenue loss as a result of Medical Assistance Program revisions under Act No. 1996-35.

The Department intends to consider a hospital eligible for these payments if:

- based on the Department's determination of GA/MNO discontinued eligibility, the hospital's annual net patient revenue loss exceeds \$3.2 million and

the hospital received less than \$1.8 million in annual direct medical education payments in Fiscal Year 1996-97; or

- based on the Department's determination of GA/MNO discontinued eligibility, the hospital's annual net patient revenue loss exceeds \$3.2 million, the hospital received annual direct medical education payments of over \$1.8 million in Fiscal Year 1996-97 and the hospital's loss of total annual Medical Assistance revenue is less than 15%; or
- based on the Department's determination of GA/MNO discontinued eligibility, the hospital's annual net patient revenue loss exceeds \$2.5 million with a percentage loss of net patient revenue exceeding 6%; or
- the hospital was eligible for disproportionate share as a rural hospital as defined under the Department's disproportionate share payment policy in calendar year 1997.

The Department will allocate \$11 million from the State General Fund for this component of Community Access. The payments will be made to qualifying hospitals based on their percentage of discontinued revenue to the total discontinued revenue of all qualifying hospitals. All payment limitations are still applicable, namely, the Commonwealth may not exceed its aggregate annual disproportionate share allotment, and no hospital may receive disproportionate share payments in excess of its hospital-specific limit.

#### *Charity Care Component*

In addition to the above qualifying method, the Department will consider a hospital eligible to receive payment under the Charity Care component of Community Access if:

- the hospital is enrolled in the Medical Assistance Program as an acute care general hospital; and
- the hospital's inpatient charity care cost exceeds \$698,501, the Fiscal Year 1995-96 Statewide average inpatient charity care cost. The charity care cost is derived from the Fiscal Year 1995-96 *Financial Report for Hospital and Hospital-Health Care Complex Under the Medical Assistance Program* (MA 336), as submitted by the hospitals and reviewed by the Department.

The Department will allocate \$6.5 million from the State General Fund for the Charity Care component. Payment will be made to qualifying hospitals based on each hospital's percentage of charity care cost to the total charity care costs of all qualifying hospitals. Payment is determined by multiplying the hospital-specific percentage by the total funds available under the charity care component, with a maximum payment per hospital of \$750,000. These payments will not cause the Commonwealth to exceed its aggregate annual disproportionate share allotment and again, no hospital may receive disproportionate share payments in excess of its hospital-specific limit.

#### *Fiscal Impact*

For Fiscal Year 1998-99, the fiscal impact as a result of the Community Access Fund will be \$37.8 million in total funds (\$17.5 million in State General funds and \$20.3 million in Federal funds).

#### *Contact Person*

A copy of this notice is available for review at local County Assistance Offices. Interested persons are invited to submit written comments to this notice within 15 days of this publication. These comments should be sent to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Deputy Secretary's Office, Attention: Regulations Coordinator, Room 515 Health and Welfare Building, Harrisburg, PA 17120.

Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD Users) or (800) 654-5988 (Voice Users). Persons who require an alternate format should contact Thomas Vracarich at (717) 783-2209.

FEATHER O. HOUSTOUN,  
*Secretary*

**Fiscal Note:** 14-NOT-187. (1) General Fund; (2) Implementing Year 1998-99 is \$17.5 million; (3) 1st Succeeding Year 1999-00 is \$0 million; 2nd Succeeding Year 2000-01 is \$0 million; 3rd Succeeding Year 2001-02 is \$0 million; 4th Succeeding Year 2002-03 is \$0 million; 5th Succeeding Year 2003-04 is \$0 million; (4) FY 1997-98 \$428 million; FY 1996-97 \$436 million; FY 1995-96 \$452 million; (7) Medical Assistance-Inpatient; (8) recommends adoption. Funds are included in the 1998-99 budget for this purpose.

[Pa.B. Doc. No. 98-2126. Filed for public inspection December 24, 1998, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Interest Rate

Under section 806 of the act of April 9, 1929 (P. L. 343, No. 176), known as the Fiscal Code, the Secretary of Revenue announces that, for the year commencing January 1, 1998, all unpaid taxes which became due and payable to the Commonwealth on and after January 1, 1982, shall bear interest at the rate of 7% per annum. This rate will remain constant until December 31, 1999. Under the provisions of section 6621(a)(2) of the Internal Revenue Code, this rate has been established by the Secretary of the Treasury of the United States, to be effective January 1, 1999. This rate will be codified under 61 Pa. Code § 4.2(a) (relating to rate of interest).

Although the Tax Reform Act of 1986 amended Internal Revenue Code section 6621, by requiring that the Secretary of the Treasury of the United States establish quarterly rates of interest to become effective for Federal purposes on the first month of each calendar quarter, these amendments do not affect Pennsylvania law. The Fiscal Code, as herein cited, requires that the interest rate be established effective January 1 of each calendar year without regard to any change in the Federal interest rate during the calendar year.

ROBERT A. JUDGE, SR.,  
*Secretary*

[Pa.B. Doc. No. 98-2127. Filed for public inspection December 24, 1998, 9:00 a.m.]

### Pennsylvania Cash & Cruises Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314), and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Cash & Cruises.

2. *Price:* The price of a Pennsylvania Cash & Cruises instant lottery game ticket is \$2.00.

3. *Play Symbols:* Each Pennsylvania Cash & Cruises instant lottery game ticket will contain one play area featuring one "Lucky Numbers" area and one "Your Numbers" area. The play symbols and their captions located in the "Lucky Numbers" area and "Your Numbers" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EGT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVTN), 18 (EGTN), 19 (NINTN) and 20 (TWTY).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the "Your Numbers" area are: \$2.<sup>00</sup> (TWO DOL), \$4.<sup>00</sup> (FOR DOL), \$5.<sup>00</sup> (FIV DOL), \$10.<sup>00</sup> (TEN DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$100 (ONE HUN), \$500 (FIV HUN), \$20,000 (TWY THO) and a Ship Symbol (CRUISE).

5. *Prizes:* The prizes that can be won in this game are \$2, \$4, \$5, \$10, \$20, \$40, \$100, \$500, \$20,000 and a 7-Day Caribbean Cruise. The player can win up to ten times on a ticket.

6. *Second Chance Drawing:* The Pennsylvania Lottery will conduct a Second Chance drawing for non-winning Pennsylvania Cash & Cruises instant lottery tickets as provided in section 11.

7. *Approximate Number of Tickets Printed For the Game:* Approximately 4,200,000 tickets will be printed for the Pennsylvania Cash & Cruises instant lottery game.

#### 8. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Lucky Numbers" play symbols, and a prize play symbol of \$20,000 (TWY THO) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$20,000.

(b) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Lucky Numbers" play symbols, and a prize play symbol of a Ship Symbol (CRUISE) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a 7-Day Caribbean Cruise.

(c) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Lucky Numbers" play symbols, and a prize play symbol of \$500 (FIV HUN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(d) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Lucky Numbers" play symbols, and a prize play symbol of \$100 (ONE HUN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(e) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Lucky Numbers" play symbols, and a prize play symbol of \$40\$ (FORTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(f) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Lucky Numbers" play symbols, and a prize play symbol of \$20\$ (TWENTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(g) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Lucky Numbers" play symbols, and a prize play symbol of \$10.<sup>00</sup> (TEN DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(h) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Lucky Numbers" play symbols, and a prize play symbol of \$5.<sup>00</sup> (FIV DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(i) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Lucky Numbers" play symbols, and a prize play symbol of \$4.<sup>00</sup> (FOR DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(j) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Lucky Numbers" play symbols, and a prize play symbol of \$2.<sup>00</sup> (TWO DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$2.

9. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

Match Any Of Your  
Numbers To Either Lucky  
Number With Prize(s) Of:

Win

Approximate  
Odds

Approximate No. of  
Winners Per 4,200,000  
Tickets

\$2	\$2	1:6.82	616,000
\$2 x 2	\$4	1:25	168,000
\$4	\$4	1:50	84,000
\$5	\$5	1:150	28,000
\$2 x 5	\$10	1:150	28,000
\$4 x 2 + \$2	\$10	1:250	16,800
\$5 x 2	\$10	1:150	28,000

*Match Any Of Your  
Numbers To Either Lucky  
Number With Prize(s) Of:*

	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 4,200,000 Tickets</i>
\$10	\$10	1:375	11,200
\$2 x 10	\$20	1:375	11,200
\$5 x 2 + \$10	\$20	1:187.50	22,400
\$4 x 5	\$20	1:750	5,600
\$20	\$20	1:750	5,600
\$4 x 10	\$40	1:6,000	700
\$5 x 8	\$40	1:6,000	700
\$10 x 2 + \$20	\$40	1:6,000	700
\$5 x 2 + \$10 x 3	\$40	1:6,000	700
\$40	\$40	1:6,000	700
\$20 x 5	\$100	1:20,000	210
\$10 x 10	\$100	1:20,000	210
\$100	\$100	1:20,000	210
\$20 x 10	\$200	1:30,000	140
\$500	\$500	1:120,000	35
Ship Symbol	Cruise*	1:14,000	300
\$20,000	\$20,000	1:840,000	5

\*The 7-Day Caribbean Cruise package is valued at \$2,881 plus \$400 cash (on-board credit) for a total of \$3,281. No cash equivalent for the cruise prize.

#### 10. *Second Chance Drawing Eligibility Requirements:*

(a) To be eligible for the Second Chance drawing, a player must mail exactly three non-winning Pennsylvania Cash & Cruises instant lottery tickets in a pre-addressed envelope available at participating retailers or in an envelope no larger than 4 1/8" x 9 1/2" addressed to Pennsylvania Lottery, Cash & Cruises Second Chance Drawing, P. O. Box 999, Middletown, PA 17057-0999.

(b) Envelopes containing less than or more than three non-winning Pennsylvania Cash & Cruises instant lottery tickets shall be disqualified.

(c) Non-winning Pennsylvania Cash & Cruises instant lottery tickets received in an envelope larger than 4 1/8" x 9 1/2" shall be disqualified.

(d) The back of each non-winning Pennsylvania Cash & Cruises instant lottery ticket entered in the Second Chance drawing must be completed by the same player in a legible manner, including the player's name, street address, city, state, zip code and signature. Incomplete tickets shall be disqualified.

(e) Winning lottery tickets submitted for entry in a Cash & Cruises Second Chance Drawing envelope or to the Cash & Cruises Second Chance Drawing address will not be paid or honored. Winning lottery tickets shall be submitted for payment in accordance with the game regulations for that game.

(f) Non-winning Pennsylvania Cash & Cruises instant lottery tickets must be received by Lottery Headquarters no later than Friday, April 2, 1999 to be included in the final Second Chance drawing to be held on Saturday, April 10, 1999.

#### 11. *Second Chance Drawing Procedures:*

##### (a) *Frequency.*

(1) Second Chance Drawings will be held each Saturday, beginning January 23, 1999 through April 10, 1999.

(2) From the commencement of Pennsylvania Cash & Cruises until the deadline announced by the Director, there will be eight qualifying finalists selected for each Second Chance Drawing. Qualifying finalists will be selected in Qualifying Drawings on dates to be determined by the Secretary and announced by the Director.

(b) *Eligibility for Qualifying Drawings.* To be eligible for a Qualifying Drawing, a player must have complied with the requirements of section 10.

(1) The Lottery will make a reasonable effort to ensure that each Second Chance entry is entered into one of the Qualifying Drawings. The Lottery assumes no responsibility for a lost or misplaced entry not entered into a Qualifying Drawing.

(2) A Second Chance entry is eligible for only one Qualifying Drawing. An entry that is not in one eligible group, may, at the discretion of the Director, remain eligible for a subsequent Qualifying Drawing.

(3) If a Second Chance entry is rejected during or following a Qualifying Drawing, the sole remedy is to select another entry to replace the rejected entry in accordance with Lottery procedure.

(4) Determination of winners will be made by the Secretary, whose judgment will be final and binding.

##### (c) *Manner of conducting Qualifying Drawings.*

(1) Periodically, as determined by the Secretary and announced by the Director, a Qualifying Drawing will be held using eligible Second Chance entries. Eight finalists will be selected from an eligible group of entries in the drawing. For the purpose of the drawing, each of the eligible groups of entries will be further subdivided into subgroups and placed in containers, with each container assigned a code depending on the number of containers used.

(2) With the aid of mechanical or automatic drawing equipment, eight container codes will be selected. The codes will determine the containers from which the eight finalists' entries will be ultimately selected. One winning finalist entry will be drawn from the first container selected. The finalist entry envelope will be opened, and its contents validated according to the requirements of section 10. If the finalist entry does not meet the requirements of section 10, another entry will be selected from that container; and so on, until a qualified entry has been chosen. One winning entry will then be selected from the second selected container and this procedure will be repeated until eight finalists have been selected for each Second Chance Drawing.

(d) *Procedure for conducting Second Chance Drawings.*

(1) Following the selection of the eight finalists as described in subsection (c), there will be Second Chance Drawings held as provided for in subsection (a).

(2) At a Second Chance Drawing, a rectangular semi-vertical device that contains several rows of pegs will be utilized. At the bottom of the device, below the pegs, are eight individual slots. The name of each of the eight Qualifying Finalists will be identified with one of the eight slots. On one side of the device is a launching mechanism consisting of a spring-loaded piston that is released when the drawing official pulls a lever. This action propels a ping-pong ball upward to the top of the device. At this point the ball drops a few inches to a funneled position created by two flippers in constant motion. This randomly directs the ball to a point along the top row of pegs. As the ball drops, it randomly bounces on and through the pegs until it lands in one of eight slots at the bottom. The name identified with the slot in which the ball ultimately drops is the winner of a free 7-Day Caribbean cruise for two.

(3) The remaining seven Qualifying Finalists will each receive a consolation prize of \$1,000 each.

(e) The payment of the prize awarded in the Second Chance drawing to a person who dies before receiving the prize or to a person 17 years of age or younger shall be paid according to 61 Pa. Code §§ 811.16 and 811.27 (relating to prizes payable after death of a prize winner; and payment of prizes to persons under 18 years of age).

(f) The determination of a winner will be made by the Secretary, whose judgment will be final, conclusive and binding on the finalists.

(g) Winners of the 7-Day Caribbean cruises will be responsible for any income tax due to the Federal government.

12. *Cruise Information and Restrictions:*

(a) The cruise packages are 7-Day Caribbean cruises on Carnival Cruise Lines ships for two people and include the following:

(1) A choice among three "Fun Ships:" the Imagination (through May, 1999), Paradise (smoke free) departing from the port of Miami and Celebration departing from Tampa.

(2) Ocean-view stateroom in Category 6.

(3) Round-trip air transportation from Pittsburgh, Philadelphia or Harrisburg, Pennsylvania.

(4) Round-trip ground transfers between the airport and port of debarkation.

(5) Port charges, including government fees, taxes and gratuities.

(6) A \$400 on-board credit.

(b) Cruise restrictions:

(1) Reservations must be made with Carnival Cruise Lines at least 30 days prior to planned departure.

(2) Cruise packages may be transferred one time; however, they are nonrefundable and not extendible. Carnival Cruise Lines will need a certified authorization from the winner of transfer and the transfer must be made prior to reservation.

(3) Cruise packages are valid only on the scheduled Carnival Cruises offered and set forth in subsection (a)(1).

(4) Winners will have until December 15, 2000, to take their cruise.

(5) Winners may purchase upgrades to longer cruises or land packages.

(6) Winners cannot schedule their cruises for sailing during Christmas, New Year, Thanksgiving, Easter or Washington's Birthday holiday periods. Winners may purchase upgrades to cruises during these periods.

(7) Cruise packages may not be redeemed for cash.

(8) After a reservation is confirmed, winners may cancel and change sailing dates if the cancellation occurs up to 15 days prior to departure. A \$25 per person service fee will be assessed for this cancellation and re-booking. If a cancellation occurs within 15 days of departure, Carnival Cruise Lines will provide the winners with a comparable future cruise on a space available basis. At its sole discretion, Carnival Cruise Lines will confirm the future cruise approximately 2 weeks prior to departure based on cabin availability.

13. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Cash & Cruises instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

14. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Cash & Cruises, prize money from winning Pennsylvania Cash & Cruises instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Cash & Cruises instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

15. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

16. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Cash & Cruises or through normal communications methods.

ROBERT A. JUDGE, Sr.,  
Secretary

[Pa.B. Doc. No. 98-2128. Filed for public inspection December 24, 1998, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Administrative Docket Filing Fee Schedule

The Department of Transportation, Office of Chief Counsel, by this notice, hereby establishes, consistent with the provisions of 67 Pa. Code § 491.5 (relating to filing fees), the Administrative Docket Filing Fee Schedule for use in calendar year 1999, or until the next annual list is published.

The Administrative Docket Filing Fee Schedule prescribes the filing fee, not otherwise provided by statute or regulation, for all requests for a hearing in appeal of Department action under 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law).

Under 67 Pa. Code § 491.5, the Department has reviewed the schedule of filing fees and has determined that amendment of the existing fees is not necessary at this time. The Department will continue to review and revise this schedule of filing fees as necessitated by the increasing costs of adjudication.

Comments, questions or suggestions concerning appeals from the Department's denial or recall of Occupational Limited Licenses; appeals from the Department's cancellation, denial or recall of probationary licenses, or requests for record reviews under Section 1516 of the Motor Vehicle Code; and hearings to request credit toward serving driving privilege or vehicle registration suspensions shall be directed to Terrie L. Prayer, Administrative Docket Clerk, Safety Administration, 3rd Floor, Riverfront Office Center, 1101 South Front Street, Harrisburg, PA 17104-2516, (717) 705-2492.

Comments, questions or suggestions relating to all other matters subject to administrative hearings shall be directed to Mary L. Sumpman, Administrative Docket Clerk, Office of Chief Counsel, Pennsylvania Department of Transportation, 9th Floor, Forum Place, Harrisburg, PA 17101-1900, (717) 772-8397.

BRADLEY L. MALLORY,  
*Secretary*

#### **Administrative Docket Filing Fee Schedule**

1. Basic filing fee. . . . . \$100  
Includes proceedings regarding the following matters:
  - (a) Application for credit toward suspension of operating privilege.
  - (b) Minimum use driveway permits (25 vehicles, or less, per day).
  - (c) Occupational limited license privilege denial.
  - (d) School bus/hazardous walking routes.
  - (e) Probationary license denial.
  - (f) Miscellaneous matters (including Petition to Intervene).
2. Level II filing fee . . . . . \$150  
Includes proceedings regarding the following matters:
  - (a) Low volume driveway permits (25 to 750 vehicles per day).
  - (b) Municipal reimbursement matters.
  - (c) Overweight or oversize truck hauling permits.
  - (d) Private airport permits.
3. Level III filing fee. . . . . \$250  
Includes proceedings regarding the following matters:
  - (a) Medium volume driveway permits (750 to 1,500 vehicles per day).
  - (b) Highway beautification/outdoor advertising matters.
4. Level IV filing fee. . . . . \$500  
Includes proceedings regarding the following matters:

- (a) High volume driveway permits (>1,500 vehicles per day).
- (b) Public airport permits.

[Pa.B. Doc. No. 98-2129. Filed for public inspection December 24, 1998, 9:00 a.m.]

#### **Approved Speed-Timing Devices and Appointment of Maintenance and Calibration Stations**

The Department of Transportation, Bureau of Motor Vehicles, under the authority of Section 3368 of the Vehicle Code (75 Pa.C.S. § 3368), has approved for use, until the next comprehensive list is published, subject to interim amendment, the following electronic speed-timing devices (radar); electronic speed-timing devices (nonradar), which measure elapsed time between measured road surface points by using two sensors; and electronic speed timing devices (nonradar), which calculate average speed between any two points.

Under 75 Pa.C.S. § 3368(c)(2), the Department has approved, for use only by members of the State Police, the following electronic speed-timing devices (radar) when used in the stationary mode only:

(1) Falcon Radar (identified on the radar housing as FALCON). Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, Kansas 66215.

(2) H.A.W.K. Traffic Safety Radar System (identified on the radar housing as H.A.W.K.). Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, Kansas 66215.

(3) KR-10, Stationary Radar (identified on the radar housing as KR-10). Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, Kansas 66215.

(4) KR-10SP, Stationary Radar (identified on the radar housing as KR-10SP). Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, Kansas 66214.

(5) Model 100, Decatur RA-GUN (identified on the radar housing as RA-GUN). Manufactured by Decatur Electronics, Incorporated, 715 Bright Street, Decatur, Illinois 62522.

(6) Genesis-I. Manufactured by Decatur Electronics, Incorporated, 715 Bright Street, Decatur, Illinois 62522.

(7) Genesis Handheld (GHS). Manufactured by Decatur Electronics, Incorporated, 715 Bright Street, Decatur, Illinois 62522.

(8) TS-3. Manufactured by MPH Industries, Incorporated, 316 East 9th Street, Owensboro, Kentucky 42303.

(9) Vindicator, (VH-1), (Identified on the radar housing as Vindicator). Manufactured by MPH Incorporated, 316 East 9th Street, Owensboro, Kentucky 42303.

(10) MPH Model K-15. Manufactured by MPH Industries, Incorporated, 316 East 9th Street, Owensboro, Kentucky 42303.

(11) Stalker. Manufactured by Applied Concepts, Incorporated, 730 F, Avenue, Suite 200, Plano, Texas 75074.

(12) Eagle Plus. Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, Kansas 66215-3347.

Under 75 Pa.C.S. § 3368(c)(3), the Department has approved, for use by any police officer, the following electronic speed-timing devices (nonradar) which measure elapsed time between measured road surface points by using two sensors:



(1) Electrical Speed Timing System. Manufactured by Richard Hageman, 98 South Penn Dixie Road, Nazareth, Pennsylvania 18064.

(2) Model TK 100, Excessive Speed Preventor. Manufactured by Systems Innovation, Incorporated, Steam Hollow Road, R. D. 2, Hallstead, Pennsylvania 18822.

(3) Model TK 100, Excessive Speed Preventor. Manufactured by Targetron, Incorporated, 1821 Lycoming Creek Road, Williamsport, Pennsylvania 17701.

(4) Speed Chek (identified on the housing as Speed Chek model one, Mfd. for: The Union Agency, Unionville, Pa. 19375). Manufactured by Sterner Lighting Systems, Incorporated, 351 Lewis Avenue, Winsted, Minnesota 55395.

(5) Model TK 100, Excessive Speed Preventor Infrared. Manufactured by Systems Innovation, Incorporated, Steam Hollow Road, R.D. 2, Hallstead, Pennsylvania 18822.

(6) Model TK 100, Excessive Speed Preventor Infrared. Manufactured by Targetron, Incorporated, 1821 Lycoming Creek Road, Williamsport, Pennsylvania 17701.

(7) Enradd, Model EJU-91. Manufactured by Y.I.S. Incorporated, 1049 Hartley Street, Post Office Box 3044, York, Pennsylvania 17404.

Under 75 Pa.C.S. § 3368(c)(1) and § 3368(c)(3), the Department has approved the use of electronic and mechanical stopwatches as speed-timing devices for use by any police officer. The Department has approved these speed-timing devices upon submission of a certificate of stopwatch accuracy indicating that a stopwatch has been successfully tested in accordance with the requirements of 67 Pa. Code, Chapter 105, Mechanical, Electrical and Electronic Speed-Timing Devices. The Department issues an approved speed-timing device certificate for the device, as required by Section 105.72. The Department does not publish a listing of these approved speed-timing devices because they are approved individually by serial number and police department. Therefore, if a citation is contested, it is necessary for the police department to show both the certificate of stopwatch accuracy which was issued within sixty (60) days of the citation and an approved speed-timing device certificate issued by the Department of Transportation, Bureau of Motor Vehicles.

Under 75 Pa.C.S. § 3368(c)(3), the Department has approved, for use by any police officer, the following electronic speed-timing device (nonradar) which calculates average speed between any two points:

(1) VASCAR-plus. Manufactured by Traffic Safety Systems, a division of Power Systems & Controls, Incorporated, 3206 Lanvale Avenue, Richmond, Virginia 23230.

(2) VASCAR-plus II. Manufactured by Traffic Safety Systems, a division of Power Systems & Controls, Incorporated, 3206 Lanvale Avenue, Richmond, Virginia 23230.

(3) Tracker by Patco. Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, Kansas 66215.

The Department of Transportation, under 75 Pa.C.S. § 3368(d), has appointed the following stations for calibrating and testing speed-timing devices until the next comprehensive list is published, subject to interim amendment.

The Department has appointed, under 75 Pa.C.S. § 3368(d), the following Official Electronic Device Testing Stations for radar devices which may only be used by members of the State Police:

Guth Laboratories, Incorporated, 590 North 67th Street, Harrisburg, Dauphin County, Pa. 17111-4511 (Appointed: 01/27/97, Station R2).

Simco Electronics, 2125 South West 28th Street, Allentown, Lehigh County, Pa. 18103 (Appointed: 09/19/96, Station R9).

Siemens Westinghouse Technical Services, Inc. a Siemens Company, 1002 McKee Road, Oakdale, Allegheny County, Pa. 15071 (Appointed: 08/25/98, Station R4).

YIS, Incorporated, 1049 North Hartley Street, York, York County, Pa. 17404 (Appointed: 01/14/75, Station R3).

The Department has appointed, under 75 Pa.C.S. § 3368(b), the following Official Speedometer Testing Stations:

Auto Electric & Speedometer Service, 7019 Beaver Dam Road, Levittown, Bucks County, Pa. 19057 (Appointed: 03/14/74, Station S54).

Auto Technology-Vocational Technical School Laboratory, 540 North Harrison Road, Pleasant Gap, Centre County, Pa. 16823 (Appointed: 02/10/69, Station S22).

Billy, The Speedometer Man, 4800 North Marvine Street, Philadelphia, Philadelphia County, Pa. 19141 (Appointed: 06/20/73, Station S52).

Bob's Speedometer Service, Incorporated, 1920 West Marshall Street, Norristown, Montgomery County, Pa. 19403 (Appointed: 11/15/77, Station S79).

Briggs-Hagenlocher, 1110 Chestnut Street, Erie, Erie County, Pa. 16501 (Appointed: 03/25/93, Station S39).

Ciulli Motors, Incorporated, 520 Clairton Boulevard, Pittsburgh, Allegheny County, Pa. 15236 (Appointed: 09/13/78, Station S13).

James M. Coulston, Incorporated, 2915 Swede Road, Norristown, Montgomery County, Pa. 19401 (Appointed: 02/11/75, Station S49).

Dave's Service Center, 3617 Nicholas Street, Easton, Northampton County, Pa. 18045 (Appointed: 10/29/76, Station S33).

Davidheiser's Speedometer Repair, Incorporated, 181 Ridge Road, Telford, Montgomery County, Pa. 18969—Also authorized to use mobile units (Appointed: 11/25/63, Station S19).

Gabe's Speedometer Service, 2635 West Passyunk Avenue, Philadelphia, Philadelphia County, Pa. 19145 (Appointed: 06/03/97, Station S85).

Hoffman Ford Sales, Incorporated, 5200 Jonestown Road, Harrisburg, Dauphin County, Pa. 17112 (Appointed: 06/23/81, Station S5).

Humenicks Auto Electric, 646 East Diamond Avenue, Hazleton, Luzerne County, Pa. 18201 (Appointed: 11/13/67, Station S74).

Izer Garage, 4616 Buchanan Trail East, Zullinger, Franklin County, Pa. 17272 (Appointed: 02/23/53, Station S106).

George's Garage, 868 Providence Road, Scranton, Lackawanna County, Pa. 18508 (Appointed: 04/15/98, Station S8).

K & M Automotive Electric Service, 1004-24th Street, Beaver Falls, Beaver County, Pa. 15010 (Appointed: 11/13/67, Station S23).

Mahramus Specialty Auto Service, 286 Muse Bishop Road, Canonsburg, Washington County, Pa. 15317 (Appointed: 01/03/84, Station S7).

Melody Lakes Tire & Auto Care, Incorporated, 1113 North West End Boulevard, Quakertown, Bucks County, Pa. 18951 (Appointed: 09/15/71, Station S38).

North Boro Speedometer Service, 547 California Avenue, Pittsburgh, Allegheny County, Pa. 15202 (Appointed: 11/02/78, Station S69).

Powl's Speedometer Service, Incorporated, 2340 Dairy Road, Lancaster, Lancaster County, Pa. 17601—Also authorized to use mobile units (Appointed: 06/09/97, Station S82).

Rabold's Services, 2034 Boas Street, Harrisburg, Dauphin County, Pa. 17103—Also authorized to use mobile units (Appointed: 06/29/62, Station S67).

Reading Mack Distributors, Incorporated, 4226 Pottsville Pike, Reading, Berks County, Pa. 19605 (Appointed: 05/15/79, Station S48).

Reading Speedometer Service Company, 200-210 Warren Street, Reading, Berks County, Pa. 19601 (Appointed: 09/22/78, Station S47).

S & D Calibration Services, 134 Camp Lane, McMurray, Washington County, Pa. 15317—Also authorized to use mobile units (Appointed: 03/22/83, Station S35).

Stewart's Speedometer & Auto Parts, 112 South Third Street, Youngwood, Westmoreland County, Pa. 15601 (Appointed: 03/20/80, Station S58).

Thoman Auto Electric, Incorporated, 227 Valley Street, Lewistown, Mifflin County, Pa. 17044 (Appointed: 10/03/78, Station S104).

Thomas Auto Electric, 109 North 9th Street, Stroudsburg, Monroe County, Pa. 18360 (Appointed: 07/24/89, Station S105).

The Department has appointed, under 75 Pa.C.S. § 3368(d), the following Official Electronic Device Testing Stations for nonradar devices which measure elapsed time between measured road surface points by using two sensors:

Cowden Enterprises, 733 Diamond Street, Williamsport, Lycoming County, Pa. 17701—Also authorized to use mobile units (Appointed: 04/04/96, Station EL20).

Davidheiser's Speedometer Repair, Incorporated, 181 Ridge Road, Telford, Montgomery County, Pa. 18969—Also authorized to use mobile units (Appointed: 04/07/93, Station EL3).

Highway Safety Traffic Surveillance, 5131 Springhouse Lane, Bridgeville, Allegheny County, Pa. 15017—Also authorized to use mobile units (Appointed: 05/03/94, Station EL12).

Rabolds Services, 2034 Boas Street, Harrisburg, Dauphin County, Pa. 17103—Also authorized to use mobile units (Appointed: 02/27/92, Station EL22).

S & D Calibration Services, 132 Fawn Valley Drive, McMurray, Washington County, Pa. 15317—Also authorized to use mobile units (Appointed: 09/14/82, Station EL11).

Speed Enforcement, Incorporated, R.D. 1, Box 32, Randolph Road, Great Bend, Susquehanna County, Pa. 18821—Also authorized to use mobile units (Appointed: 03/26/85, Station EL14).

Systems Innovation, Incorporated, Steam Hollow Road, R.D. 2, Hallstead, Susquehanna County, Pa. 18822—Also authorized to use mobile units (Appointed: 12/01/78, Station EL2).

Targetron, Incorporated, 1821 Lycoming Creek Road, Williamsport, Lycoming County, Pa. 17701—Also authorized to use mobile units (Appointed: 05/07/91, Station EL21).

Thomas Associates R. & E. Incorporated, 65 South Mountain Boulevard, Mountain Top, Luzerne County, Pa. 18707 (Appointed: 11/27/79, Station EL6).

YIS, Incorporated, 1049 North Hartley Street, York, York County, Pa. 17404—Also authorized to use mobile units (Appointed: 02/20/80, Station EL7).

The Department has appointed, under 75 Pa.C.S. § 3368(d), the following Official Stopwatch Testing Stations:

Beerbower Incorporated, 1546 East Pleasant Valley Boulevard, Altoona, Blair County, Pa. 16602 (Appointed: 09/02/77, Station W14).

George L. Cogley, 1222 Liberty Avenue, Natrona Heights, Allegheny County, Pa. 15065 (Appointed: 09/27/77, Station W9).

Cowden Enterprises, 733 Diamond Street, Williamsport, Lycoming County, Pa. 17701—Also authorized to use mobile units (Appointed: 04/04/96, Station W2).

Department of General Services Metrology, Room B-124, Transportation and Safety Building, Harrisburg, Dauphin County, Pa. 17120 (Appointed: 03/09/79, Station W18).

Davidheiser's Speedometer Repair, Incorporated, 181 Ridge Road, Telford, Montgomery County, Pa. 18969—Also authorized to use mobile units (Appointed: 10/28/77, Station W29).

Greene Jewelers, Route 819, Armbrust, Westmoreland County, Pa. 15616 (Appointed: 06/23/78, Station W41).

Highway Safety Traffic Surveillance, 5131 Springhouse Lane, Bridgeville, Allegheny County, Pa. 15017—Also authorized to use mobile units (Appointed: 05/03/94, Station W3).

Hostetter's Jewelers, 2 Hill Street, Shrewsbury, York County, Pa. 17361 (Appointed: 11/18/77, Station W30).

Leitzel's Jewelry, 422 East, Myerstown, Lebanon County, Pa. 17067 (Appointed: 09/01/87, Station W58).

Leitzel's Jewelry Store, 296 Center Street, Millersburg, Dauphin County, Pa. 19061 (Appointed: 07/28/77, Station W7).

Marella's Jewelry, 416 North Springfield Road, Clifton Heights, Delaware County, Pa. 19018 (Appointed: 08/10/79, Station W42).

Mountz Jewelers, 153 North Hanover Street, Carlisle, Cumberland County, Pa. 17013 (Appointed: 09/21/87, Station W59).

Precision Watch Repair Company, 1015 Chestnut Street, Room 1010, Philadelphia, Philadelphia County, Pa. 19107 (Appointed: 09/24/80, Station W54).

Rabold's Services, 2034 Boas Street, Harrisburg, Dauphin County, Pa. 17103—Also authorized to use mobile units (Appointed: 09/15/86, Station W56).

Oscar Roth Jewelers, 659 Memorial Highway, Dallas, Luzerne County, Pa. 18612 (Appointed: 09/22/78, Station W47).

S & D Calibration, 132 Fawn Valley Drive, McMurray, Washington County, Pa. 15317—Also authorized to use mobile units (Appointed: 10/10/89, Station W61).

Servinsky Jewelers, 610 Second Street, Cresson, Cambria County, Pa. 16630 (Appointed: 05/18/78, Station W40).

Systems Innovation, Incorporated, Steam Hollow Road, R.D. 2, Hallstead, Susquehanna County, Pa. 18822—Also authorized to use mobile units (Appointed: 04/22/91, Station W63).

Targetron, Incorporated, 1821 Lycoming Creek Road, Williamsport, Lycoming County, Pa. 17701—Also authorized to use mobile units (Appointed: 05/07/91, Station W64).

Wolfs Jewelry, 314 Market Street, Lewisburg, Union County, Pa. 17837 (Appointed: 10/06/77, Station W22).

YIS, Incorporated, 1049 North Hartley Street, York, York County, Pa. 17404—Also authorized to use mobile units (Appointed: 08/30/89, Station W60).

Zimmel Jewelers, 1521 Bethlehem Pike, Flourtown, Montgomery County, Pa. 19031 (Appointed: 04/17/80, Station W35).

The Department has appointed, under 75 Pa.C.S. § 3368(d), the following Official Electronic Device Testing Stations for nonradar devices which calculate average speed between any two points:

Cowden Enterprises, 733 Diamond Street, Williamsport, Lycoming County, Pa. 17701—Also authorized to use mobile units (Appointed: 04/04/96, Station EM20).

Davidheiser's Speedometer Repair, Incorporated, 181 Ridge Road, Telford, Montgomery County, Pa. 18969—Also authorized to use mobile units (Appointed: 02/11/93, Station EM23).

Highway Safety Traffic Surveillance, 5131 Springhouse Lane, Bridgeville, Allegheny County, Pa. 15017—Also authorized to use mobile units (Appointed: 05/03/94, Station EM10).

Rabolds Services, 2034 Boas Street, Harrisburg, Dauphin County, Pa. 17103—Also authorized to use mobile units (Appointed: 02/27/92, Station EM22).

S & D Calibration, 132 Fawn Valley Drive, McMurray, Washington County, Pa. 15317—Also authorized to use mobile units (Appointed: 09/14/82, Station EM6).

Speed Enforcement, Incorporated, R. D. 1, Box 32, Randolph Road, Great Bend, Susquehanna County, Pa. 18821—Also authorized to use mobile units (Appointed: 02/27/85, Station EM13).

Systems Innovation, Incorporated, Steam Hollow Road, R. D. 2, Hallstead, Susquehanna County, Pa. 18822—Also authorized to use mobile units (Appointed: 10/02/80, Station EM2).

Targetron, Incorporated, 1821 Lycoming Creek Road, Williamsport, Lycoming County, Pa. 17701—Also authorized to use mobile units (Appointed: 05/07/91, Station EM21).

Thomas Associates R. & E. Incorporated, 65 South Mountain Boulevard, Mountaintop, Luzerne County, Pa. 18707 (Appointed: 10/06/80, Station EM3).

YIS, Incorporated, 1049 North Hartley Street, York, York County, Pa. 17404—Also authorized to use mobile units (Appointed: 12/20/80, Station EM5).

Comments, suggestions or questions may be directed to Barb Tomassini, Manager, Inspection Station Processing, Vehicle Inspection Division, Bureau of Motor Vehicles, Riverfront Office Center, 1101 South Front Street, Harrisburg, PA 17104 or by telephoning (717) 787-2895.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 98-2130. Filed for public inspection December 24, 1998, 9:00 a.m.]

## Finding Huntingdon County

Pursuant to the provisions of 71 P. S. Section 2002(b), the Secretary of Transportation makes the following written finding:

The Department of Transportation plans the relocation of an approximate 2 mile section of U.S. 22 in the village of Water Street, Huntingdon County. The roadway will be relocated primarily to the south of the existing alignment. The eastern terminus would be approximately 1200 ft east of the existing U.S. 22/PA 453 intersection. A reconfiguration of the existing U.S. 22/PA 453 intersection at approximately the same location as the existing intersection would also be included as part of this improvement. The proposed action will improve safety along this section of roadway and at the U.S. 22/PA453 intersection.

No adverse environmental effect is likely to result from the proposed action.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 98-2131. Filed for public inspection December 24, 1998, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

**Valley Creek Coalition v. DEP and Pennsylvania  
Department of Transportation, Permittee; EHB  
Doc. No. 98-228-MG**

Valley Creek Coalition has appealed the issuance by the Department of Environmental Protection of an NPDES permit to PA DOT for a facility in Tredyffrin Township, Chester County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by an interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.62. Copies of the Board's rules of practice and procedure are available upon request from the Board.

GEORGE J. MILLER,  
Chairperson

[Pa.B. Doc. No. 98-2132. Filed for public inspection December 24, 1998, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 11 a.m., Thursday, December 10, 1998, and took the following actions:

#### *Regulations Approved:*

Insurance Department #11-177: Medicare Supplement Insurance Minimum Standards (amends 31 Pa. Code Chapter 89, Subchapter K and Appendix I).

Pennsylvania State Police #17-59: DNA Detection of Sexual and Violent Offenders Act (amends 37 Pa. Code Chapters 58 and 59).

*Commissioners Present:* John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Cocco-drilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held  
December 10, 1998

*Insurance Department—Medicare Supplement Insurance Minimum Standards; Regulation No. 11-177*

#### **Order**

On November 10, 1998, the Independent Regulatory Review Commission (Commission) received this regulation from the Insurance Department (Department). It amends 31 Pa. Code Chapter 89, Subchapter K and Appendix I. The authority for this regulation is found in sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 411 and 412). Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This rulemaking will bring the Department's Medicare supplement insurance regulation into compliance with recent amendments to the Medicare program under the

Federal Social Security Act (42 U.S.C.A. § 1395ss) and the Balanced Budget Act of 1997 (P. L. 105-33). The changes implement the National Association of Insurance Commissioners Medicare Supplement Insurance Minimum Standards Model Act in Pennsylvania.

The changes will provide more choices under medical supplement insurance policies by giving Medicare beneficiaries the opportunity to try a range of managed care plans. Insurers would also have some increased flexibility, including having a choice of disclosure statements to use.

We have reviewed this regulation and find it to be in the public interest. The amendments will update the Department's regulation to conform to recent changes in Federal law and enable the Department to maintain its regulatory authority on this subject.

*Therefore, It Is Ordered That:*

1. Regulation No. 11-177 from the Insurance Department, as submitted to the Commission on November 10, 1998, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

*Commissioners Present:* John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Cocco-drilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held  
December 10, 1998

*Pennsylvania State Police—DNA Detection of Sexual and Violent Offenders Act; Regulation No. 17-59*

#### **Order**

On October 8, 1996, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania State Police (PSP). This rulemaking amends 37 Pa. Code Chapters 58 and 59. The authority for this regulation is the DNA Detection of Sexual and Violent Offenders Act (act) (35 P. S. §§ 7651.101—7651.1102). The proposed regulation was published in the October 19, 1996 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on November 2, 1998.

The proposal contains the procedures for the collection, receipt and processing of DNA samples in the Database Laboratory. It also establishes procedures to access data and information in the DNA Database and DNA Databank. The proposal also repeals the existing Statement of Policy adopted in 1996 which contained interim procedures to administer the act.

We have reviewed this regulation and find it to be in the public interest. The PSP will be able to identify repeat offenders through identification of their forensic DNA profile. Further, Pennsylvania's information will be linked through the Combined DNA Identification System operated by the Federal Bureau of Investigation which will be of assistance to law enforcement agencies nationwide.

*Therefore, It Is Ordered That:*

1. Regulation No. 17-59 from the Pennsylvania State Police, as submitted to the Commission on November 2, 1998, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 98-2133. Filed for public inspection December 24, 1998, 9:00 a.m.]

Interested parties are invited to submit written comments, suggestions or objections to Chuck Romberger, CPCU, Insurance Department, Bureau of Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg, PA 17120 (e-mail at [cromberg@ins.state.pa.us](mailto:cromberg@ins.state.pa.us)) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 98-2135. Filed for public inspection December 24, 1998, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Coal Mine Compensation Rating Bureau of Pennsylvania; Workers' Compensation Loss Cost Filing

On December 15, 1998, the Insurance Department received from the Coal Mine Compensation Rating Bureau of Pennsylvania a filing for a loss cost level change for Workers' Compensation insurance. The Bureau requests an overall 16.0% decrease which includes loss based assessments.

Copies of the filings are available for public inspection during normal working hours, by appointment, at the Insurance Department's offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Chuck Romberger, CPCU, Insurance Department, Office of Rate and Policy Regulation, Bureau of Property and Casualty Insurance, Actuarial Review Division, 1311 Strawberry Square, Harrisburg, PA 17120 (e-mail at [cromberg@ins.state.pa.us](mailto:cromberg@ins.state.pa.us)) within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 98-2134. Filed for public inspection December 24, 1998, 9:00 a.m.]

### Pennsylvania General Insurance Company; Homeowner's Rate Revision

On December 9, 1998, the Insurance Department received from Pennsylvania General Insurance Company a filing for a rate level change for homeowner's insurance.

The company requests an overall 0.8% decrease amounting to -\$97,668 annually, to be effective January 15, 1999 for new business and February 20, 1999 for renewal business.

Unless formal administrative action is taken prior to February 7, 1999, the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection, by appointment, during normal working hours at the Insurance Department's offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

### Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their company's termination of the insured's policies. All administrative hearings are held in the Insurance Department Offices in Harrisburg, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The hearing will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Gladys J. and Robert L. Zanakis; file no. 98-308-72124; State Farm Fire and Casualty Insurance Co.; doc. no. PI98-12-008; January 12, 1999, at 1 p.m.

Both parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files and other necessary evidence. The insured must bring all documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) and the regulations set forth at 31 Pa. Code § 59.7(e) (relating to appeal procedure). Under 31 Pa. Code § 59.7(e)(5), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is given.

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 98-2136. Filed for public inspection December 24, 1998, 9:00 a.m.]

# OFFICE OF THE BUDGET

## Statutory Cost of Living Increases for Salaries of State Officials and the Heads of Departments, Boards and Commissions

Section 3(e) of the Public Official Compensation Act, the act of September 30, 1983 (P. L. 160, No. 39) as amended by Section 2 of the act of October 19, 1995 (P. L. 324, No. 51) mandates that the salaries of the Governor, Lieutenant Governor, State Treasurer, Auditor General, Attorney General, and the heads of the departments and members of boards and commissions shall be increased by applying the percentage change in the Consumer Price Index for All Urban Consumers (CPI-U) for the Pennsylvania, New

Jersey, Delaware and Maryland area for the most recent 12 month period for which figures have been officially reported by the United States Department of Labor, Bureau of Labor Statistics (BLS) immediately prior to the date adjustment is due to take effect.

As required by section 3(e) of the Public Official Compensation Law, the Governor has determined, based on the change in the CPI-U (PA-DE-NJ-MD) over the past 12 months as reported by BLS on November 17, 1998, that the salaries covered by that law shall be increased by 1.6% effective January 1, 1999. The following chart sets out the agency head position, the salary prior to the adjustment, the percentage amount of the adjustment, and the new salary:

### COLA ADJUSTMENT FOR ELECTED AND APPOINTED OFFICIALS RECEIVING SALARIES CONTAINED IN ACT 1995-51

COLA ADJUSTMENT IS BASED ON THE PERCENT CHANGE IN THE CPI-U FOR PA-DE-NJ-MD, CMSA, FOR THE 12 MONTH PERIOD ENDING NOVEMBER 1998

<i>Position</i>	<i>Salary Prior to 1/1/99</i>	<i>COLA Adjustment</i>	<i>Salary Effective 1/1/99</i>
Governor	\$130,297	1.6%	\$132,382
Lieutenant Governor	\$109,450	1.6%	\$111,201
State Treasurer	\$108,407	1.6%	\$110,142
Auditor General	\$108,407	1.6%	\$110,142
Attorney General	\$108,407	1.6%	\$110,142
Large Agency Head	\$104,238	1.6%	\$105,906
Secretary of Education			
Secretary of Environmental Protection			
Secretary of Health			
Secretary of Labor and Industry			
Secretary of Public Welfare			
Secretary of Transportation			
Secretary of Corrections			
Medium Agency Head	\$99,026	1.6%	\$100,610
Secretary of Aging			
Secretary of Commerce & Economic Development			
Secretary of General Services			
Secretary of Revenue			
State Police Commissioner			
Secretary of Conservation & Natural Resources			
Small Agency Head	\$93,814	1.6%	\$95,315
Adjutant General			
Secretary of Agriculture			
Secretary of Banking			
Secretary of the Commonwealth			
Insurance Commissioner			
<i>Position</i>	<i>Salary Prior To 1/1/99</i>	<i>COLA Adjustment</i>	<i>Salary Effective 1/1/99</i>
Liquor Control Board			
Chairman	\$52,953	1.6%	\$53,800
Member	\$50,868	1.6%	\$51,682
Civil Service Commission			
Chairman	\$42,346	1.6%	\$43,024
Member	\$42,346	1.6%	\$43,024
State Tax Equalization Board			
Chairman	\$18,242	1.6%	\$18,534
Member	\$16,938	1.6%	\$17,209
Milk Marketing Board			
Chairman	\$16,938	1.6%	\$17,209
Member	\$16,287	1.6%	\$16,548
Securities Commission			
Chairman	\$16,938	1.6%	\$17,209

<i>Position</i>	<i>Salary Prior To 1/1/99</i>	<i>COLA Adjustment</i>	<i>Salary Effective 1/1/99</i>
Member Athletic Commission	\$ 15,636	1.6%	\$ 15,886
Chairman	\$ 13,682	1.6%	\$ 13,901
Member Board of Pardons	\$ 13,030	1.6%	\$ 13,238
Member Board of Claims	\$ 11,988	1.6%	\$ 12,180
Chairman	\$ 88,393	1.6%	\$ 89,807
Member Public Utility Commission	\$ 84,224	1.6%	\$ 85,572
Chairman	\$101,632	**	\$103,110
Member Environmental Hearing Board*	\$ 99,026	1.6%	\$100,610
Chairman	\$101,632	1.6%	\$103,258
Member	\$ 99,026	1.6%	\$100,610

\*: The Environmental Hearing Board is not contained in Act 1995-51, but separate legislation requires that the Board's members receive the same compensation as the PUC.

\*\* : Act 1995-51 requires that the PUC Chairman shall receive \$2,500/yr. more than PUC Members.

ROBERT BITTENBENDER,  
*Secretary*

[Pa.B. Doc. No. 98-2137. Filed for public inspection December 24, 1998, 9:00 a.m.]

## PENNSYLVANIA COMMISSION FOR WOMEN

### Meeting Notice

The Pennsylvania Commission for Women has scheduled the Commissioner's Meeting for the first quarter of 1998 to be held Monday, January 11, 1999, at 9:30 a.m. until 3 p.m. The Commissioner's Meeting will be held in the Green Room of the Forum Building at Walnut Street and Commonwealth Avenue, Harrisburg, PA 17120. The public is invited to attend. Persons who need accommodations due to a disability and want to attend should contact Christine Anderson, PA Commission for Women, 205 Finance Building, Harrisburg, PA 17120 at (717) 787-8128, at least 24 hours in advance so arrangements can be made.

LOIDA ESBRI,  
*Executive Director*

[Pa.B. Doc. No. 98-2138. Filed for public inspection December 24, 1998, 9:00 a.m.]

## PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY

### Meeting Notice

Notice is hereby given of a working group meeting of the Radiological Emergency Preparedness Advisory Committee (REPAC) of the Pennsylvania Emergency Management Council (PEMC) to review the State policy regarding the use of potassium iodide (KI) in connection with a nuclear power plant incident. The meeting will be held at

10 a.m., Wednesday, February 10, 1999, in dining room C at M.S. Hershey Medical Center.

Questions concerning this meeting should be directed to Vice Chair William P. Kirk at (717) 783-9730.

JOSEF C. JORDAN,  
*Director*

[Pa.B. Doc. No. 98-2139. Filed for public inspection December 24, 1998, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before January 18, 1999, as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent application or both.

**Applications of the following for approval of the beginning of the exercise of the right and privilege of operating as common carriers for transportation of persons as described under each application.**

**A-00115489. Laurel Valley Ambulance Service, Inc.**  
(13th and Franklin Streets, New Florence, Westmoreland

County, PA 15944), a corporation of the Commonwealth of Pennsylvania—persons in paratransit service, between points in the borough of New Florence, Westmoreland County, and points within an airline distance of 100 statute miles of the limits of said borough, and from points in said territory, to points in Pennsylvania, and return.

**Applications of the following for approval of the right to *begin to operate as a broker for the transportation of persons* as described under each application.**

**A-00115488. Raymond Edward Geissler, Jr., t/d/b/a Geissler Tours** (501 Locust Street, Irwin, Westmoreland County, PA 15642)—brokerage license—to arrange for the transportation of persons and their baggage between points in Pennsylvania.

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Provost Transport, Inc.; Doc. No. A-00112606C9701*

**Complaint**

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania, empowered to regulate motor carriers and brokers within this Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Provost Transport, Inc., respondent, maintains a principal place of business at 7887 Grenache Street, Anjou Quebec CD H1J1C4.
2. That all times relevant to this Complaint, respondent held a certificate of public convenience issued by this Commission at Application Docket No. A-00112606.
3. That pursuant to Section 512 of the Public Utility Code, 66 Pa.C.S. § 512, and 52 Pa. Code Chapter 32; respondent is required to maintain evidence of current insurance on file with this Commission.
4. That respondent has failed to maintain evidence of bodily injury and property damage liability insurance and cargo insurance, in violation of the Public Utility Code and regulations cited in Paragraph 3 of this complaint.
5. That as a result of failure to maintain evidence of current insurance on file with this Commission, the Bureau of Transportation and Safety Prosecutory Staff requests that the Secretary of the Commission revoke respondent's certificate of public convenience.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Secretary of the Commission revoke the certificate of public convenience held by Provost Transport, Inc. at Docket No. A-00112606, for failure to maintain current evidence of insurance on file with the Commission.

Respectfully submitted,  
George T. Mahan, Director  
Bureau of Transportation and  
Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

*Verification*

I, George T. Mahan, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

George T. Mahan

*Notice to Plead*

A. You must file an answer within twenty (20) days of the date of service. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice to plead. 52 Pa. Code § 1.56(a). The answer must raise all factual and legal arguments that you wish to claim in your defense and must include the docket number of this Complaint. Your answer must be verified and the original and two (2) copies sent to:

James J. McNulty, Acting  
Secretary  
Pennsylvania Public Utility  
Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty 20 days of the date of service as identified in Paragraph A. above, the Bureau of Transportation and Safety will request that the Commission enter an order revoking your certificate of public convenience; contract carrier permit; or brokerage license or imposing such other remedy as may be appropriate.

C. In lieu of an answer, you may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations. The proof of insurance must be filed with the Secretary of the Commission at the address set forth in Paragraph A. Upon receipt of the proof of insurance from your insurer, the complaint proceeding shall be closed.

D. If you file an answer which either admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request that the Commission enter an order revoking your certificate of public convenience; contract carrier permit; or brokerage license.

E. If you file an answer which contests the complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Pottle's Transportation, Inc.; Doc. No. A-00108574C9701*

**Complaint**

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania, empowered to regulate motor carriers and brokers within this Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities.



bilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Pottle's Transportation, Inc., respondent, maintains a principal place of business at P. O. Box 877, Oldin Road, Bangor, Maine 04401.

2. That all times relevant to this Complaint, respondent held a certificate of public convenience issued by this Commission at Application Docket No. A-00108574.

3. That pursuant to Section 512 of the Public Utility Code, 66 Pa.C.S. § 512, and 52 Pa. Code Chapter 32; respondent is required to maintain evidence of current insurance on file with this Commission.

4. That respondent has failed to maintain evidence of cargo insurance, in violation of the Public Utility Code and regulations cited in Paragraph 3 of this complaint.

5. That as a result of failure to maintain evidence of current insurance on file with this Commission, the Bureau of Transportation and Safety Prosecutory Staff requests that the Secretary of the Commission revoke respondent's certificate of public convenience.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Secretary of the Commission revoke the certificate of public convenience held by Pottle's Transportation, Inc. at Docket No. A-00108574, for failure to maintain current evidence of insurance on file with the Commission.

Respectfully submitted,  
George T. Mahan, Director  
Bureau of Transportation and  
Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### Verification

I, George T. Mahan, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

George T. Mahan

#### Notice to Plead

A. You must file an answer within twenty (20) days of the date of service. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice to plead. 52 Pa. Code § 1.56(a). The answer must raise all factual and legal arguments that you wish to claim in your defense and must include the docket number of this Complaint. Your answer must be verified and the original and two (2) copies sent to:

James J. McNulty, Acting  
Secretary  
Pennsylvania Public Utility  
Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty 20 days of the date of service as identified in Paragraph A. above, the Bureau of Transportation and Safety will request that the Commission enter an order revoking

your certificate of public convenience; contract carrier permit; or brokerage license or imposing such other remedy as may be appropriate.

C. In lieu of an answer, you may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations. The proof of insurance must be filed with the Secretary of the Commission at the address set forth in Paragraph A. Upon receipt of the proof of insurance from your insurer, the complaint proceeding shall be closed.

D. If you file an answer which either admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request that the Commission enter an order revoking your certificate of public convenience; contract carrier permit; or brokerage license.

E. If you file an answer which contests the complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

*Pennsylvania Public Utility Commission, Bureau of  
Transportation and Safety v. Samuel R. Snader; Doc.  
No. A-00113683C9801*

#### Complaint

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania, empowered to regulate motor carriers and brokers within this Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Samuel R. Snader, respondent, maintains a principal place of business at 38 East 28th Division Highway, Lititz, PA 17543.

2. That all times relevant to this Complaint, respondent held a certificate of public convenience issued by this Commission at Application Docket No. A-00113683.

3. That pursuant to Section 512 of the Public Utility Code, 66 Pa.C.S. § 512, and 52 Pa. Code Chapter 32; respondent is required to maintain evidence of current insurance on file with this Commission.

4. That respondent has failed to maintain evidence of bodily injury and property damage liability insurance and cargo insurance, in violation of the Public Utility Code and regulations cited in Paragraph 3 of this complaint.

5. That as a result of failure to maintain evidence of current insurance on file with this Commission, the Bureau of Transportation and Safety Prosecutory Staff requests that the Commission revoke respondent's certificate of public convenience or order such other remedy as the Commission may deem to be appropriate.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke the certificate of public convenience held by

Samuel R. Snader at Docket No. A-00113683, for failure to maintain current evidence of insurance on file with the Commission or order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,  
George T. Mahan, Director  
Bureau of Transportation and  
Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

*Verification*

I, George T. Mahan, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

George T. Mahan

*Notice to Plead*

A. You must file an answer within twenty (20) days of the date of service. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice to plead. 52 Pa. Code § 1.56(a). The answer must raise all factual and legal arguments that you wish to claim in your defense and must include the docket number of this Complaint. Your answer must be verified and the original and two (2) copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility  
Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty 20 days of the date of service as identified in Paragraph A. above, the Bureau of Transportation and Safety will request that the Commission enter an order revoking your certificate of public convenience; contract carrier permit; or brokerage license or imposing such other remedy as may be appropriate.

C. In lieu of an answer, you may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations. The proof of insurance must be filed with the Secretary of the Commission at the address set forth in Paragraph A. Upon receipt of the proof of insurance from your insurer, the complaint proceeding shall be closed.

D. If you file an answer which either admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request that the Commission enter an order revoking your certificate of public convenience; contract carrier permit; or brokerage license.

E. If you file an answer which contests the complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 98-2140. Filed for public inspection December 24, 1998, 9:00 a.m.]

**Transfer by Sale  
Without Hearing**

**A-310011F0002. ConQuest Operator Services Corp.** Application of ConQuest Operator Services Corp. for approval of the transfer by sale of selected assets to New Millennium ConQuest Service Corp. Nunc Pro Tunc.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before January 11, 1999, under 52 Pa. Code (relating to public utilities).

*Applicant:* ConQuest Operator Services Corp.

*Through and By Counsel:* Monique Byrnes, Consultant, Technologies Management, Inc., 210 N. Park Ave., Winter Park, FL 32789.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 98-2141. Filed for public inspection December 24, 1998, 9:00 a.m.]

**Water Service  
Without Hearing**

**A-212955F0010. Superior Water Company, Inc.** Application of Superior Water Company, Inc. for approval to begin to offer, render, furnish or supply water service to the public in additional portions of Upper Pottsgrove Township.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before January 11, 1999, under 52 Pa. Code (relating to public utilities).

*Applicant:* Superior Water Company, Inc.

*Through and By Counsel:* Louise A. Knight, Malatesta Hawke & McKeon LLP, Harrisburg Energy Center, 100 North Tenth Street, P. O. Box 1778, Harrisburg, PA 17105-1778.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 98-2142. Filed for public inspection December 24, 1998, 9:00 a.m.]

**PHILADELPHIA REGIONAL  
PORT AUTHORITY**

**Request for Proposals**

The Philadelphia Regional Port Authority (PRPA) will accept sealed proposals for Project No. 9832.8, Repairs to Freight Elevators, Pier 84 South until 2 p.m. on Thursday, January 14, 1999. The bid documents can be obtained from the Procurement Administrator, PRPA, 210 W. Washington Square, 13th Floor, Philadelphia, PA 19106, (215) 928-9100 and will be available December 29, 1998. The cost of the bid document is \$35 (includes 7% PA

Sales Tax) which is nonrefundable. PRPA is an equal opportunity employer. The contractor must comply with all applicable equal opportunity laws and regulations.

Mandatory prebid job site meeting will be held January 7, 1999, 10 a.m. at Pier 84 South, Main Door.

JAMES T. MCDERMOTT,  
*Executive Director*

[Pa.B. Doc. No. 98-2143. Filed for public inspection December 24, 1998, 9:00 a.m.]

## STATE EMPLOYEES' RETIREMENT BOARD

### Hearings Scheduled

Hearings have been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of Claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the State Employees' Retirement System, 30 North Third Street, Harrisburg, PA 17108:

January 6, 1999	Dianne Jenkins Papa (Multiple Service)	1 p.m.
January 13, 1999	Thomas G. Taylor (Student Payroll)	1 a.m.
February 3, 1999	Francis P. Bach (Service Purchase)	1 p.m.
February 10, 1999	Lorrie L. Siftar (Student Service)	1 p.m.
February 24, 1999	Jack T. Polk (Student Service)	1 p.m.
March 24, 1999	Francis J. Hudak (Graduate Assistant)	1 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 4 Pa. Code § 250.01, (relating to applicability of general rules), procedural matters will be in conformance with the General Rules of Administrative Practice and Procedure, 1 Pa. Code Part II unless specific exemption is granted.

JOHN BROSIUS,  
*Secretary*

[Pa.B. Doc. No. 98-2144. Filed for public inspection December 24, 1998, 9:00 a.m.]

## STATE SYSTEM OF HIGHER EDUCATION

### Request for Qualifications

**California University of Pennsylvania  
Washington County, PA**

California University of Pennsylvania in cooperation with the Federal Highway Administration (FHWA) and

the PA Department of Transportation will retain a professional firm or firms to conduct feasibility studies and environmental studies for a safety oriented people mover and parking facility consistent with the University's Master Plan on the University Campus in California, PA. Interested consultants must submit letters of interest if they wish to be considered.

The project will provide analysis of a campus-wide people mover and parking facility. The services required include, but are not limited to, mapping, traffic impact study/needs analysis, preliminary engineering and analysis, parking study, preparation of an environmental impact assessment, geological investigation, hydrologic and hydraulic studies, preliminary size and route study, public involvement, analysis of financing alternatives and detailed cost estimates and constructability reviews.

A short list will be made from the letters of interest of those firms responding to this advertisement. Submission must include a Standard Form 254 and 255.

Letters of interest will be evaluated on the basis of the following:

1. Experience and technical competence of firm/team.
2. Experience of key team members in regards to Federal and State requirements.
3. Ability to expedite the study, keep on schedule and control quality.
4. Demonstration of past performance on safety or transportation related projects.
5. Workloads and availability of staff.
6. Location of the consultant with respect to the project area.

The Disadvantaged Business Enterprise (DBE) goal for this project is 10% of the total contract. DBE firms must be certified by the PA Department of Transportation at the time the proposal is submitted. The University encourages responses from small firms, minority firms and firms that have not previously worked for the University.

The University reserves the right to reject any and all proposals submitted for the solicitations requested by this notice, and/or readvertise solicitation for work and services.

Responses are due by 4 p.m. on January 22, 1999, to Thomas L. Jameson, Director of Physical Plant, California University of Pennsylvania, Administration Building Room 222, 250 University Avenue, California, PA 15419.

JAMES H. MCCORMICK,  
*Chancellor*

[Pa.B. Doc. No. 98-2145. Filed for public inspection December 24, 1998, 9:00 a.m.]

## TURNPIKE COMMISSION

### Request for Bids

The Turnpike Commission is requesting sealed bids for:

- 1) Ten 1/2 Ton Bi-Fuel (Gasoline/Propane) Powered Pickup Trucks

*Bid Opening:* January 12, 1999 at 11 a.m.

2) Improvements to Wastewater Treatment Plants at the Lawn Service Plaza (Lebanon County) and the Peter J. Camiel Service Plaza (Chester County)

*Mandatory Site Inspection:* January 5, 1999 at 11 a.m., at Lawn Service Plaza, Milepost 258.8 Westbound.

*Bid Opening:* January 19, 1999 at 11 a.m.

Bids will be received by the Purchasing Manager not later than the time indicated above. Bid proposal forms and conditions may be obtained, free of charge, by communicating with the Bid Clerk, Purchasing Department, (717) 939-9551, Ext. 2830.

JAMES F. MALONE, III,  
*Chairperson*

[Pa.B. Doc. No. 98-2146. Filed for public inspection December 24, 1998, 9:00 a.m.]

### Request for Proposals

Sealed proposals will be received by Jeffrey L. Hess, Purchasing Manager, at the Administration Building, Harrisburg-East Interchange near Highspire, PA (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676) and publicly opened and read at the date and time indicated for the following contract:

**Contract No. 99-007-RU92-C**—Roadway Repairs between M.P. 0.06, at the Pennsylvania and Ohio Border and M.P. 47.73, Exit 5, and between M.P. B-27.53, Exit 15 and M.P. B-45.00, Exit 20, on the PA. Turnpike System and Toll 60 in Lawrence, Beaver, Butler and Allegheny Counties, PA

*Bid Opening Date*—January 28, 1999, 1 p.m.

*Bid Surety*—5%

Plans, Specifications and Contract Documents will be available and open for public inspection at the Administration Building. Copies may be purchased upon payment of \$25 by check or P. O. Money Order (No Cash) payable to the Pennsylvania Turnpike Commission, Attention: Secretary-Treasurer's Office, P. O. Box 67676, Harrisburg, PA 17106-7676. No refund for any reason will be made for plans, specifications and contract documents.

A Prequalification Certification and Maximum Capacity Rating assigned by the Prequalification Committee of the Pennsylvania Department of Transportation is a necessary prerequisite for bidding on this project.

Contact the Purchasing Manager for a listing of other locations where plans and specs can be inspected.

Direct questions for this project to Inessa Evenchik, (717) 939-9551, Ext. 5770.

JAMES F. MALONE, III,  
*Chairperson*

[Pa.B. Doc. No. 98-2147. Filed for public inspection December 24, 1998, 9:00 a.m.]

### Request for Proposals

Sealed proposals will be received by Jeffrey L. Hess, Purchasing Manager, at the Administration Building, Harrisburg-East Interchange near Highspire, PA (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676)

and publicly opened and read at the date and time indicated for the following contract:

**Contract No. 99-007-RU91-C**—Roadway Repairs between M.P. 67.40, Exit 7 and M.P. 109.90, Exit 10 on the PA Turnpike System in Westmoreland and Somerset Counties, PA

*Bid Opening Date*—January 28, 1999, 1:30 p.m.

*Bid Surety*—5%

Plans, Specifications and Contract Documents will be available and open for public inspection at the Administration Building. Copies may be purchased upon payment of \$25 by check or P. O. Money Order (No Cash) payable to the Pennsylvania Turnpike Commission, Attention: Secretary-Treasurer's Office, P. O. Box 67676, Harrisburg, PA 17106-7676. No refund for any reason will be made for plans, specifications and contract documents.

A Prequalification Certification and Maximum Capacity Rating assigned by the Prequalification Committee of the Pennsylvania Department of Transportation is a necessary prerequisite for bidding on this project.

Contact the Purchasing Manager for a listing of other locations where plans and specs can be inspected.

Direct questions for this project to Inessa Evenchik, (717) 939-9551, Ext. 5770.

JAMES F. MALONE, III,  
*Chairperson*

[Pa.B. Doc. No. 98-2148. Filed for public inspection December 24, 1998, 9:00 a.m.]

### Request for Proposals

Sealed Proposals will be received by Jeffrey L. Hess, Purchasing Manager, at the Administration Building, Harrisburg-East Interchange near Highspire, PA (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676) and publicly opened and read at the date and time indicated below for the following contract:

**Contract No. 99-007-RW84-C**—Roadway Repairs between M.P. 201.30, Exit 15 and M.P. 247.38, Exit 19, on the PA Turnpike System in Franklin, Cumberland, York and Dauphin Counties, PA

*Bid Opening Date*—January 28, 1999, 2 p.m.

*Bid Surety*—5%

Plans, Specifications and Contract Documents will be available and open for public inspection at the Administration Building. Copies may be purchased upon payment of \$25 by check or P. O. Money Order (No Cash) payable to the Pennsylvania Turnpike Commission, Attention: Secretary-Treasurer's Office, P. O. Box 67676, Harrisburg, PA 17106-7676. No Refund for any reason will be made for plans, specifications and contract documents.

A Prequalification Certification and Maximum Capacity Rating assigned by the Prequalification Committee of the Pennsylvania Department of Transportation is a necessary prerequisite for bidding on this project.

Contact the Purchasing Manager for listing of other locations where plans and specs can be inspected.

Direct any questions for this project to Inessa Evenchik, telephone (717) 939-9551, Ext. 5770.

JAMES F. MALONE, III,  
*Chairperson*

[Pa.B. Doc. No. 98-2149. Filed for public inspection December 24, 1998, 9:00 a.m.]

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### Request for Proposals

Sealed Proposals will be received by Jeffrey L. Hess, Purchasing Manager, at the Administration Building, Harrisburg-East Interchange near Highspire, PA (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676) and publicly opened and read at the date and time indicated below for the following contract:

**Contract No. 99-007-RQ35-C**—Roadway Repairs between M.P. A-55.72, Exit 34 and M.P. A-110.41, Exit 39, on the PA Turnpike System in Carbon, Luzerne and Lackawanna Counties, PA

*Bid Opening Date*—January 28, 1999, 2:30 p.m.

### *Bid Surety*—5%

Plans, Specifications and Contract Documents will be available and open for public inspection at the Administration Building. Copies may be purchased upon payment of \$25 by check or P. O. Money Order (No Cash) payable to the Pennsylvania Turnpike Commission. Attention: Secretary-Treasurer's Office, P. O. Box 67676, Harrisburg, PA 17106-7676. No Refund for any reason will be made for plans, specifications and contract documents.

A Prequalification Certification and Maximum Capacity Rating assigned by the Prequalification Committee of the Pennsylvania Department of Transportation is a necessary prerequisite for bidding on this project.

Contact the Purchasing Manager for listing of other locations where plans and specs can be inspected.

Direct any questions for this project to Inessa Evenchik, telephone (717) 939-9551, Ext. 5770.

JAMES F. MALONE, III,  
*Chairperson*

[Pa.B. Doc. No. 98-2150. Filed for public inspection December 24, 1998, 9:00 a.m.]

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# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

**EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.**

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". A qualified small business concern is an independently owned, operated for profit, business employing 100 or fewer employees and is not a subsidiary or affiliate of a corporation otherwise not qualified.

Such penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter. The small business concern must include on every invoice submitted to the Commonwealth: "(name of vendor) is a qualified small business concern as defined at 4 Pa. Code § 2.32".

For information on the required payment date and annual interest rate, please call the Pennsylvania Department of Commerce, Small Business Action Center, 483 Forum Building, 783-5700.

### Reader's Guide

#### Legal Services & Consultation—26

- ① Service Code Identification Number
- ② Commodity/Supply or Contract Identification No.

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services  
Location: Harrisburg, Pa.  
Duration: 12/1/93-12/30/93  
Contact: Procurement Division  
787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦  
(For Commodities: Contact:)  
Vendor Services Section  
717-787-2199 or 717-787-4705

#### REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

## GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, *"Frequently Asked Questions About State Contracts,"* explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**

Pennsylvania State Treasury  
Room G13 Finance Building  
Harrisburg, PA 17120  
717-787-2990  
1-800-252-4700

BARBARA HAFER,  
*State Treasurer*

**Online Subscriptions At <http://www.statecontracts.com> 1-800-334-1429 x340**

### Commodities

**8145640** Chemicals and chemical products—15,000 gallons liquid magnesium chloride with non-corrosive Agent Ice Top C.I. or equivalent.

**Department:** Transportation  
**Location:** Somerset, Somerset County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**1390118** Communication equipment—1 each furnish a sixteen channel AllPlex Multiplexer Model LTC 2651/60 manufactured by Burle/Phillips or approved equal; 1 each furnish a 17" Monitor Model LTC2017/60 along with monitor wall mount Model TC9217MM manufactured by Burle/Phillips or approved equal; 1 each furnish a camera power supply model LTC5416/60 manufactured by Burle/Phillips or approved equal; 10 each furnish a 1/2" CCD camera with six MM auto iris lens Model TC352A-6 to include maximum security housing Model TC9302SH-LC manufactured by Burle/Phillips.

**Department:** Corrections  
**Location:** Waymart, Wayne County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**8249090** Construction, mining, excavating and highway maintenance equipment—6 each loader, all wheel drive with snow thrower.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**1445228** Materials handling equipment—1 each electric articulating boom manlift, Genie Model Z30/20 SkyJack Model SKJB33 or approved equal.

**Department:** Fish and Boat Commission  
**Location:** Bellefonte, Centre County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**1450118** Medical, dental and vet equipment and supplies—1 unit dental suite equipment.

**Department:** Corrections  
**Location:** Albion, Erie County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**8249710** Motor vehicles, trailers and cycles—7 each tow truck, special purpose, 17,500 GVWR automatic transmission color lime green.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**1364118** Refrigerator and AC equipment—12 each Trane indirect fired gas heating unit (indoor) Model No. GAPD015AEF or approved equal; 12 each Trane Part No. 0350-0015-03-00 two stage room thermostat with Summer/Winter switch or approved equal; 12 each Trane Part No. 0350-0015-06-00 locking thermostat cover or approved equal.

**Department:** Corrections  
**Location:** Karthaus, Clearfield County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**1427118** Textiles—5,000 yards fabric, Raeford uniform fabric style No. 573-561.

**Department:** Correctional Industries  
**Location:** Bellefonte, Centre County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**026-001** Construction, mining, excavating and highway maintenance equipment—Purchase of heavy duty truck and off road tire changer.

**Department:** Transportation  
**Location:** Coudersport, Potter County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**98-CI003** Textiles—Pocketing—extra heavy 65/35 polycotton width 60" fabric to be used in the manufacturing of officer uniforms estimated yards 20,000.

**Department:** Corrections  
**Location:** Waymart, Wayne County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

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# SERVICES

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## Agricultural Services—02

**SU-49230** Shippensburg University is seeking vendors interested in providing fertilizers and weed control. The successful bidder will be required to supply items as specified on the Invitation-To-Bid. Vendors interested in receiving an Invitation-To-Bid package should contact Janet Neidigh, Purchasing Agent, Shippensburg University, Shippensburg, PA 17257 at (717) 532-1386 or fax (717) 532-1350 by 12 noon on December 30, 1998.

**Department:** State System of Higher Education  
**Location:** Shippensburg University, Shippensburg, Shippensburg Township, Cumberland County, PA  
**Duration:** Indeterminate 1998—99  
**Contact:** Janet Neidigh, (717) 532-1386

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## Computer Related Services—08

**2010980003** Twenty user GroupSystems Professional Suite software to include installation and training.

**Department:** State Police  
**Location:** 1800 Elmerton Avenue, Harrisburg, PA 17110  
**Duration:** Indeterminate 1998—99  
**Contact:** Alan F. Bowman, Procurement and Supply Division, (717) 783-5485

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## Construction—09

**No. 37** Furnish and install nine sets of doors to the North Central Secure Treatment Unit, 210 Clinic Road, Danville, PA 17821. Site visitation required.

**Department:** Public Welfare  
**Location:** Loysville Complex for NCSTU, 210 Clinic Road, Danville, PA 17821  
**Duration:** July 1, 1998 through June 30, 1999  
**Contact:** Mary Lou Auman, Purchasing Agent, (717) 789-5508

**DGS 184-23 Phase 2 Unit 1** Project title: Flood Control Project on Mill Creek. Brief description: Construction of a debris basin, 6,340 linear feet of concrete channel, a pedestrian bridge, three concrete culverts, a steel plate liner tunnel, bulkhead structures for access to the channel and drainage structures. Estimated range—\$5,000,000 to \$10,000,000. General construction. Plans deposit: \$50 per set. Payable to: Department of Environmental Protection. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. Mail requests to: The Department of Environmental Protection, Construction Contracts Section, P. O. Box 8452, Harrisburg, PA 17105-8452, (717) 783-7929. Bid date: Wednesday, January 27, 1999, at 1 p.m. A prebid conference has been scheduled for January 11, 1999, at 10 a.m. at Avoca Borough Community Center, 800 Main Street, Avoca, PA. Contact person: Paul Ebright, (717) 783-7929. All contractors who have secured contract documents are invited and urged to attend this prebid conference.

**Department:** General Services  
**Location:** Flood Control Project on Mill Creek, Borough of Avoca, Luzerne County, PA  
**Duration:** 530 or 600 calendar days from date of initial job conference, depending on which of these two time periods is selected for award  
**Contact:** Contract Bidding Unit, (717) 787-6556

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**DGS A 229-16** Project title: Remove and Replace Underground Fuel Oil Storage Tank. Brief description: Remove three fuel oil USTs and provide one new 6,000 gallon and one new 2,000 gallon fuel oil UST and one new 2,000 gallon diesel fuel oil AST with dispenser, tank monitoring system, electric power and control circuits, fuel oil piping, paving and landscape restoration and all related excavation, backfill and accessories. Estimated range—\$100,000 to \$500,000. Electric and UST/AST construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Mail a separate check for \$5 per set or provide your express mail account number to the office listed. Contact the office listed to arrange for delivery of documents. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, January 13, 1999, at 2 p.m.

**Department:** General Services  
**Location:** PA State Police Department Headquarters, Harrisburg, Dauphin County, PA  
**Duration:** 180 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

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**DGS A 251-429 Rebid** Project title: Roof Replacement. Brief description: Remove the existing roofing materials down to the existing metal decking. Clean out all drain lines and replace drains. Install new 1 1/2" insulation and a single ply ballasted EPDM roofing system. Remove/replace all capping stone sealant joints. Estimated range—\$100,000 to \$500,000. General construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. Mail a separate check for \$5 per set or provide your express mail account number to the office listed. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, January 20, 1999, at 11 a.m.

**Department:** General Services  
**Location:** PennDOT Maintenance Facility, Rochester, Beaver County, PA  
**Duration:** 120 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

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**DGS A 251-440** Project title: Roof Replacement. Brief description: Replace existing roofing on office and garage areas with new metal roof panels. Install liquid roof system at passageway and storage roof areas. Replace existing gutters and downspouts. Estimated range—\$100,000 to \$500,000. General construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. Mail a separate check for \$5 per set or provide your express mail account number to the office listed. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, January 20, 1999, at 11 a.m.

**Department:** General Services  
**Location:** PennDOT Maintenance Facility, Brookville, Jefferson County, PA  
**Duration:** 120 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

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**DGS A 251-516** Project title: Roof Replacement/Concrete Repairs. Brief description: To provide and install a new EPDM (paver) ballasted system. Prior to roofing, repair and reconstruct the concrete walls to original form and condition. Include repair and repainting of steel ladders and handrails. Estimated range—\$100,000 to \$500,000. General construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. Mail a separate check for \$5 per set or provide your express mail account number to the office listed. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, January 20, 1999, at 11 a.m.

**Department:** General Services  
**Location:** Liberty Tunnel, South Portal Building, Pittsburgh, Allegheny County, PA  
**Duration:** 180 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556



**DGS A 951-52** Project title: Emergency Generator, Replacement and Retrofit of Underground Storage Tanks. Brief description: Remove existing underground storage tanks, dispensers and associated piping and testing. Install new double wall underground storage tanks, dispensers, associated piping and detection system. Replace one emergency generator system with two new systems. Connect new fuel dispenser. Estimated range \$100,000 to \$500,000. Electrical and UST/AST construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. Mail a separate check for \$5 per set or provide your express mail account number to the office listed. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, January 13, 1999, at 11 a.m.

**Department:** General Services  
**Location:** Hiram G. Andrews Center, Johnstown, Cambria County, PA  
**Duration:** 180 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**SU-601** Project title: SU-601: CUB New Entrance and ADA Upgrade. Work to be performed at Shippensburg University of the State System of Higher Education, Shippensburg Township, Cumberland County, PA. Brief description: All work necessary to construct a new concrete plaza and two story brick masonry entrance addition to the Cumberland Union Building. Prospective bidders may obtain project plans for a nonrefundable fee of \$75 for each copy, by contacting EI Associates, 2001 North Front Street, Building 3, Harrisburg, PA 17102, (717) 233-4556 or fax (717) 236-8256. Prebid meeting with site visit immediately to follow will be held on January 7, 1999, at 10 a.m. in Reed Operations Center. Bids due: January 27, 1998, at 4 p.m. Old Main Room 300. Public bid opening: January 28, 1999, at 2 p.m., Old Main Room 203A. Prevailing Wages, Contracts, Bonds and MBE/WBE participation apply. The System encourages responses from small firms, minority firms and firms which may have not previously performed work for the System. Nondiscrimination and Equal Opportunity are the policies of the Commonwealth and of the PA State System of Higher Education.

**Department:** State System of Higher Education  
**Location:** Shippensburg University, Shippensburg, Shippensburg Township, Cumberland County, PA  
**Duration:** 293 days from date of Notice to Proceed  
**Contact:** Deborah K. Martin, Contract Administrator, (717) 532- 1121

## Food—19

**8970-1000-000** Breeding, a formulated wheat flour dough, baked and sized to the appropriate granulation. Breeding to be used for beef, fish and pork. Batter, a dry blend of ingredients for beef, fish and pork. Predust for the beef, fish and pork products. Samples will be supplied at the time of bidding.

**Department:** Corrections  
**Location:** Bureau of Correctional Industries, Meat Processing Plant at State Correctional Institution Camp Hill, Camp Hill, PA 17001-8837  
**Duration:** 1 year  
**Contact:** Linda Malinak, (717) 975-4931

**99-CI 30 mm** Collagen for fresh products. Approximately 360,000 ft. for the next 12 months.

**Department:** Corrections  
**Location:** Bureau of Correctional Industries, Meat Processing Plant at State Correctional Institution Camp Hill, Camp Hill, PA 17001-8837  
**Duration:** 1 year  
**Contact:** Linda Malinak, (717) 975-4931

## HVAC—22

**No. 35** Kohler Model No. 50ROZJ-81 emergency generator to be furnished and unloaded at job site at Youth Forestry Camp No. 3, R. D. 1, Box 175, James Creek, PA 16657.

**Department:** Public Welfare  
**Location:** Loysville Complex for YFC No. 3, R. D. 1, Box 175, James Creek, PA 16657  
**Duration:** July 1, 1998 through June 30, 1999  
**Contact:** Mary Lou Auman, Purchasing Agent, (717) 789-5508

**No. 36** Kohler Model No. 150ROZJ-81 emergency generator to be furnished and unloaded at job site at Danville Center for Adolescent Females, 13 Kirkbride Drive, Danville, PA 17821. (On the grounds of Danville State Hospital).

**Department:** Public Welfare  
**Location:** Loysville Complex for DCAF, 13 Kirkbride Drive, Danville, PA 17821  
**Duration:** July 1, 1998 through June 30, 1999  
**Contact:** Mary Lou Auman, Purchasing Agent, (717) 789-5508

**Project No. 609** Provide emergency and routine repair work for electrical system. The contractor must respond to the call within 2 hours of receiving a call either directly or by a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid Proposal forms used to submit bids are available from the State Army Board.

**Department:** Military and Veterans Affairs  
**Location:** PAARNG Armory, 1308 Susquehanna Avenue, West Pittstown, Luzerne County, PA  
**Duration:** July 1, 1999—June 30, 2002  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 610** Provide emergency and routine repair work for heating system. The contractor must respond to the call within 2 hours of receiving a call either directly or by a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid Proposal forms used to submit bids are available from the State Army Board.

**Department:** Military and Veterans Affairs  
**Location:** PAARNG Armory, 1308 Susquehanna Avenue, West Pittstown, Luzerne County, PA  
**Duration:** July 1, 1999—June 30, 2002  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 611** Provide emergency and routine repair work for plumbing system. The contractor must respond to the call within 2 hours of receiving a call either directly or by a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid Proposal forms used to submit bids are available from the State Army Board.

**Department:** Military and Veterans Affairs  
**Location:** PAARNG Armory, 280 Market Street, Wilkes-Barre, Luzerne County, PA  
**Duration:** July 1, 1999—June 30, 2002  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 612** Provide emergency and routine repair work for electrical system. The contractor must respond to the call within 2 hours of receiving a call either directly or by a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid Proposal forms used to submit bids are available from the State Army Board.

**Department:** Military and Veterans Affairs  
**Location:** PAARNG Armory, 280 Market Street, Wilkes-Barre, Luzerne County, PA  
**Duration:** July 1, 1999—June 30, 2002  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 613** Provide emergency and routine repair work for heating system. The contractor must respond to the call within 2 hours of receiving a call either directly or by a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid Proposal forms used to submit bids are available from the State Army Board.

**Department:** Military and Veterans Affairs  
**Location:** PAARNG Armory, 280 Market Street, Wilkes-Barre, Luzerne County, PA  
**Duration:** July 1, 1999—June 30, 2002  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 614** Provide emergency and routine repair work for electrical system. The contractor must respond to the call within 2 hours of receiving a call either directly or by a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid Proposal forms used to submit bids are available from the State Army Board.

**Department:** Military and Veterans Affairs  
**Location:** PAARNG Armory, 1300 Penn Street, Williamsport, Lycoming County, PA  
**Duration:** July 1, 1999—June 30, 2002  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 615** Provide emergency and routine repair work for heating system. The contractor must respond to the call within 2 hours of receiving a call either directly or by a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid Proposal forms used to submit bids are available from the State Army Board.

**Department:** Military and Veterans Affairs  
**Location:** PAARNG Armory, 1300 Penn Street, Williamsport, Lycoming County, PA  
**Duration:** July 1, 1999—June 30, 2002  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 616** Provide emergency and routine repair work for electrical system. The contractor must respond to the call within 2 hours of receiving a call either directly or by a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid Proposal forms used to submit bids are available from the State Armory Board.

**Department:** Military and Veterans Affairs  
**Location:** PAARNG Armory, P. O. Box B, Williamstown, Dauphin County, PA  
**Duration:** July 1, 1999—June 30, 2002  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 617** Provide emergency and routine repair work for plumbing system. The contractor must respond to the call within 2 hours of receiving a call either directly or by a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid Proposal forms used to submit bids are available from the State Armory Board.

**Department:** Military and Veterans Affairs  
**Location:** PAARNG Armory, 369 North George Street, York, York County, PA  
**Duration:** July 1, 1999—June 30, 2002  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 618** Provide emergency and routine repair work for electrical system. The contractor must respond to the call within 2 hours of receiving a call either directly or by a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid Proposal forms used to submit bids are available from the State Armory Board.

**Department:** Military and Veterans Affairs  
**Location:** PAARNG Armory, 369 North George Street, York, York County, PA  
**Duration:** July 1, 1999—June 30, 2002  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 619** Provide emergency and routine repair work for heating system. The contractor must respond to the call within 2 hours of receiving a call either directly or by a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid Proposal forms used to submit bids are available from the State Armory Board.

**Department:** Military and Veterans Affairs  
**Location:** PAARNG Armory, 369 North George Street, York, York County, PA  
**Duration:** July 1, 1999—June 30, 2002  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 621** On-call air conditioning.  
**Department:** Military and Veterans Affairs  
**Location:** DMVA, State Buildings, Ft. Indiantown Gap, Annville, Lebanon County, PA  
**Duration:** July 1, 1999—June 30, 2002  
**Contact:** Emma Schroff, (717) 861-8518

**Electrify Campsites 2** Sealed bids will be received at Department of Conservation and Natural Resources, Keystone State Park, R. D. 2, Box 101, Derry, PA 15627 and then publicly opened and read. The bid opening is set for Monday, January 11, 1999, at 2 p.m. Electrical supplies for providing electricity to campsites at Keystone State Park's campground. A bid proposal containing all pertinent information must be obtained from the office of the Park Manager.

**Department:** Conservation and Natural Resources  
**Location:** Keystone State Park, R. D. 2, Box 101, Derry, PA 15627  
**Duration:** January 11, 1999 to February 28, 1999  
**Contact:** Keystone State Park, (724) 668-2939

**Electrical Wire/03864098001** Purchase of electrical wire: sealed bids will be received in Hickory Run State Park Office until 2:30 p.m. prevailing time on January 14, 1999 and then publicly opened and read. Documents containing all pertinent information must be obtained from the office of the park manager.

**Department:** Conservation and Natural Resources  
**Location:** Hickory Run State Park, R. R. 1, Box 81, White Haven, PA 18661  
**Duration:** March 30, 1999  
**Contact:** Vendor Services Section, (717) 787-2199 or (717) 787-4705

## Janitorial Services—23

**20-40-98-0056** Furnish all labor, materials and equipment to perform janitorial services, four visits per week, including damp mop tile floors; sweep floors; vacuum carpets; dust furniture; general housecleaning twice a year and shampoo carpets at the Swiftwater Station, P. O. Box 949, Swiftwater, PA 18370. Detailed work schedule and bid must be obtained from the Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Facility Management Division, Swiftwater Station, SR 611, 3 miles north of I-80, Exit 45, Swiftwater, PA 18370  
**Duration:** May 9, 1999 to June 30, 2001  
**Contact:** Joan Berkoski or Donna Enders, (717) 783-5484

## Mailing Services—28

**0400-MS** Provide 1 day and 2 day delivery service of all items as specified consisting of flats (letters) and parcels not greater than 70 pounds and 108 unified inches to any address in Pennsylvania and the continental United States. Delivery of all items to be accomplished within 24 to 48 hours of pickup from the mailroom, PA Department of Transportation, Engineering District 4-0, O'Neill Highway, Dunmore, PA. The contract will be for a 4 year period. Contact Gerald Pronko at (570) 963-4039 for bid package.

**Department:** Transportation  
**Location:** District 4-0, O'Neill Highway, Dunmore, PA 18512  
**Duration:** 4 year period  
**Contact:** Gerald Pronko, (570) 963-4039

**SU-81490** Shippensburg University is seeking vendors interested in providing the printing and mailing services for the Shippensburg University Foundation Annual Report. The successful bidder will be required to supply as specified on the Invitation-To-Bid. Vendors interested in receiving an Invitation-To-Bid package should contact Janet Neidigh, Purchasing Agent, Shippensburg University, Shippensburg, PA 17257 at (717) 532-1386 or fax (717) 532-1350 by 12 noon on December 30, 1998.

**Department:** State System of Higher Education  
**Location:** Shippensburg University, Shippensburg, Shippensburg Township, Cumberland County, PA  
**Duration:** Indeterminate 1998—99  
**Contact:** Janet Neidigh, (717) 532-1386

## Medical Services—29

**90873009** Pulmonary function evaluation: To provide medical services for approximately 10 Harrisburg State Hospital employees from a qualified medical provider for the purpose of carrying out testing and obtaining a medical evaluation of the employee's ability to utilize respiratory medical equipment in which low levels of asbestos fibers may occur.

**Department:** Public Welfare  
**Location:** Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA 17105-1300  
**Duration:** July 1, 1999 through June 30, 2002, a period of 3 years  
**Contact:** Jack W. Heinze, Purchasing Agent III, (717) 772-7435

**90873010** Rental of oxygen concentrators: To provide a permanent oxygen concentrator for 36 months and if necessary a second or third oxygen concentrator may be needed for short periods of time, also to make available to residents in need of oxygen a portable oxygen system D-tank.

**Department:** Public Welfare  
**Location:** Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA 17105  
**Duration:** July 1, 1999 through June 30, 2002, a period of 3 years  
**Contact:** Jack W. Heinze, Purchasing Agent III, (717) 772-7435

**90873012** Provide prescription glasses and repair of glasses (mobile services): To supply glasses for patients from prescriptions written either by the contracted optometrist or eye surgeon who performed surgery on these patients. Vendor to come to the hospital to see patients on each ward area who will be fitted for glasses prior to and lenses are inserted (if necessary).

**Department:** Public Welfare  
**Location:** Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA 17105-1300  
**Duration:** July 1, 1999 through June 30, 2002, a period of 3 years  
**Contact:** Jack W. Heinze, Purchasing Agent III, (717) 772-7435

**90873018** Pathology services: To perform autopsies as requested by the hospital staff, faxing preliminary cause of death to contract administrator within 24 hours after autopsy completion and return chart to contract administrator within 48 hours (longer if weekend or holiday but not more than 4 working days). Provide contract administrator with a typed completed report within 30 working days, excluding weekends: exception would be complexity of case (maximum of 100 working days after each autopsy completion). The vendor must notify the proper undertaker (hospital will provide number) after autopsy is completed for the body to be picked up.

**Department:** Public Welfare  
**Location:** Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA 17105-1300  
**Duration:** July 1, 1999 through June 30, 2002, a period of 3 years  
**Contact:** Jack W. Heinze, Purchasing Agent III, (717) 772-7435

**9999-1500-000** Contractor to provide full-time dental assistance at the State Correctional Institution at Albion.

**Department:** Corrections  
**Location:** State Correctional Institution at Albion, 10745 Route 18, Albion, PA 16475  
**Duration:** January 1, 1999 through December 31, 1999  
**Contact:** Lesley S. Jarrett, (814) 756-5778

**NSH-01** Clinical psychologist specializing in the development of organizational communication programs. Develop an organization-wide program to improve communications and interactions among staff and between staff and patients.

**Department:** Public Welfare  
**Location:** Norristown State Hospital, 1001 Sterigere Street, Norristown, PA 19401  
**Duration:** March 1, 1999 to February 28, 2002  
**Contact:** Warren J. Dolan, Purchasing Agent, (610) 313-1025

## Property Maintenance—33

**Project No. 620** Repair (maintain) roof on Building 0-47, Ft. Indiantown Gap. Emergency repairs on an on-call basis. Contractor must have 24 hour service.

**Department:** Military and Veterans Affairs  
**Location:** Building 0-47, Ft. Indiantown Gap, Annville, Lebanon County, PA  
**Duration:** July 1, 1999—June 30, 2002  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 622** On-call roof repairs.

**Department:** Military and Veterans Affairs  
**Location:** PAARNG Armories, Columbia and Lancaster, Lancaster County, PA  
**Duration:** July 1, 1999—June 30, 2002  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 623** On-call roof repairs.

**Department:** Military and Veterans Affairs  
**Location:** PAARNG Armory, 14th and Calder Streets, Harrisburg, Dauphin County, PA  
**Duration:** July 1, 1999—June 30, 2002  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 624** On-call roof repairs.

**Department:** Military and Veterans Affairs  
**Location:** PAARNG Armories, Lock Haven and Williamsport, Clinton County and Lycoming County, PA  
**Duration:** July 1, 1999—June 30, 2002  
**Contact:** Emma Schroff, (717) 861-8518

**8002600100** Snow and ice removal at the Fayette County Assistance Office. Complete specifications may be obtained by contacting the Procurement Office.

**Department:** Public Welfare  
**Location:** Fayette County Assistance Office  
**Duration:** January 1, 1999—December 31, 2001  
**Contact:** Rose Wadlinger, (717) 783-3767

## Sanitation—36

**SP134398002** Refuse removal—Following established procedures as mandated by the Department of Environmental Protection. Pick-up daily—dumpster style bins will be supplied by vendor.

**Department:** Military Affairs  
**Location:** Hollidaysburg Veterans Home, P. O. Box 319, Route 220 at Meadows Intersection, Hollidaysburg, PA 16648-0319  
**Duration:** July 1, 1999 through June 30, 2000  
**Contact:** Becky Clapper, Purchasing Agent, (814) 696-5210

## Security Services—37

**03958-000-98-PRR** CCTV System. The scope includes the removal and replacement of the existing closed circuit television (CCTV) system. This new system shall consist of, but not be limited to, all of the cameras, lenses, enclosures, mounts, pan/tilt mechanisms, receivers/drivers, transformers, power supplies, multiplexer, monochrome monitors, keyboard and all miscellaneous materials, labor, equipment and cartage necessary to support the entire complete system as a functional whole. The ongoing inspection, cleaning, repairs and maintenance of the complete CCTV system on an annual, renewable basis for a period of 3 years. A mandatory prebid meeting and sign in will be held on January 13, 1999, at 10 a.m. at the Fort Pitt Museum, for all firms interested in submitting bids for the project. No bids will be accepted by contractors who do not make the mandatory prebid. For directions, contact the site at (412) 281-9285. All interested bidders should submit a \$25 check (nonrefundable) made payable to PHMC at the mandatory prebid meeting. No bids will be accepted by contractors who do not make the mandatory prebid. Bids are due on Thursday, January 28, 1999, at 10 a.m. Bid opening will be held in Room 526 of The State Museum of PA, corner of 3rd and North Streets, Harrisburg, PA.

**Department:** Historical and Museum Commission  
**Location:** Bureau of Historic Sites and Museums, Fort Pitt Museum, 101 Commonwealth Place, Point State Park, Pittsburgh, PA 16501-1804  
**Duration:** July 1, 1999 to June 30, 2002  
**Contact:** Judi Yingling or Ron Foflygen, (717) 772-2401

## Vehicle/Heavy Equipment—38

**021-0882** Labor, parts and any trip charges to repair emergency generators at various locations throughout South Mountain Restoration Center. There are currently 12 generators. Calls for service will be made by the maintenance engineer when generator malfunctions occur.

**Department:** Public Welfare  
**Location:** South Mountain Restoration Center, 10058 South Mountain Road, South Mountain, PA 17261  
**Duration:** Two years  
**Contact:** Services, (717) 749-4030

**030313** Roadway line striping machine repair/rebuild parts, including: paint gun repair parts; paint pump repair parts.

**Department:** Transportation  
**Location:** PennDOT, 716 Jordan Avenue, P. O. Box 218, Montoursville, PA 17754  
**Duration:** January, 1999  
**Contact:** Ed Spearing, (717) 368-4247

**0015635** Repair parts for seasonal repair of a paint machine.

**Department:** Transportation  
**Location:** Engineering District 0800, 2140 Herr Street, Harrisburg, PA 17103-1699  
**Duration:** January 1, 1999—March 31, 1999  
**Contact:** David L. Fromm, (717) 787-3146

## Miscellaneous—39

**5226** Contractor shall furnish all labor, material and equipment necessary to clean windows, door panels and screens on a semiannual basis, usually April and September.

**Department:** Public Welfare  
**Location:** Torrance State Hospital, State Route 1014, Torrance, PA 15779-0111  
**Duration:** April 1, 1999—June 30, 2003  
**Contact:** Linda J. Zoskey, Purchasing Agent, (724) 459-4547

**054001** Maintenance and repairs to overhead signs throughout Monroe and Carbon County. Bid opening for this service will occur approximately two (2) weeks from the date of this publication.

**Department:** Transportation  
**Location:** R. R. 7, Box 7460, Stroudsburg, PA 18360  
**Duration:** Four years from effective date  
**Contact:** Steve Eitner, (717) 424-3024

**90873011** Ethnic rehabilitative interpretation: To provide cross-cultural services for hospital patient treatment programs. The provider must have experience in the cultures and customs of people with Southeast Asian and Latino backgrounds and have people on their staff who are fluent in these languages. The provider must be skilled in presenting cultural programs for people with these backgrounds and must be operating an established program subject to the observation and evaluation of this hospital.

**Department:** Public Welfare  
**Location:** Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA 17105-1300  
**Duration:** July 1, 1999 through June 30, 2002, a period of 3 years  
**Contact:** Jack W. Heinze, Purchasing Agent III, (717) 772-7435

**90873016** Professional disc jockey services: Professional disc jockey for hospital's Monday evening dances. Disc jockey is to provide all equipment and recordings necessary to ensure current and popular tunes. There are an estimated 45 Monday evening sessions per year this service will be required. The actual session time is from 7:30 p.m. to 8:45 p.m. It is the responsibility of the bidder to calculate the set-up and take-down time in bid prices.

**Department:** Public Welfare  
**Location:** Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA 17105-1300  
**Duration:** July 1, 1999 through June 30, 2002, a period of 3 years  
**Contact:** Jack W. Heinze, Purchasing Agent III, (717) 772-7435

**RFP-980330** Provide warehousing and distribution services for PLCB's Central Distribution Region. It is planned to have the RFP available on the worldwide web at [www.lcb.state.pa.us](http://www.lcb.state.pa.us).

**Department:** Liquor Control Board  
**Location:** PLCB's Distribution Region No. 2  
**Duration:** Five years  
**Contact:** Nelson A. McCormick II, (717) 787-9851

**SCIA9901** General Office Supplies: pens, fasteners, staples, tape, rubber bands, and the like. Also to include computer supplies such as toner cartridges, ink jet cartridges and drum kits for the period beginning December 15, 1998 until December 31, 1999.

**Department:** Corrections  
**Location:** State Correctional Institution at Albion, 10745 Route 18, Albion, PA 16475  
**Duration:** December 15, 1998 to December 31, 1999  
**Contact:** Michelle R. Wagner, Purchasing Agent, (814) 756-5778

[Pa.B. Doc. No. 98-2151. Filed for public inspection December 24, 1998, 9:00 a.m.]

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## DESCRIPTION OF LEGEND

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| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,  
*Secretary*

**Contract Awards**

The following awards have been made by the Department of General Services, Bureau of Purchases:

<b>Requisition or Contract #</b>	<b>Awarded On</b>	<b>To</b>	<b>In the Amount Of</b>
6240-02	12/18/98	Sylvania	950,000.00
6240-02	12/18/98	Dauphin Electric Supply Co.	50,000.00
6240-02	12/18/98	Tri State Electric	50,000.00
6240-02	12/18/98	Scott Electric	50,000.00
6240-02	12/18/98	GE Lighting	50,000.00
1175158-01	12/16/98	Dolbey Jamison Optical Co.	27,300.00
1178228-01	12/16/98	Geo Gradel Co.	275,993.10
1184228-01	12/16/98	Westgate Chevrolet, Inc. d/b/a Apple Chevrolet	82,590.00
1226138-01	12/16/98	M. A. Brightbill Body Works, Inc.	40,275.00
1232388-01	12/16/98	Rumsey Electric Co.	25,552.80
1261158-01	12/16/98	Mobile Lifts, Inc.	9,800.00
1264118-01	12/16/98	Chem-Tick Coated Fabrics, Inc.	38,800.00

**Requisition  
or  
Contract #****Awarded  
On****To****In the  
Amount Of**

1295208-01	12/16/98	Orion Electronics Ltd.	48,850.00
1301388-01	12/16/98	Keystone Electrical Supply	33,162.38
1310118-01	12/16/98	Girton Systems, Inc.	27,900.00
1315118-01	12/16/98	PAC Industries, Inc.	31,152.00
1327118-01	12/16/98	Grims Glass and Plastics	25,400.00
1435158-01	12/16/98	Manheim Chrysler Plymouth GMC Truck	34,900.00
7314110-01	12/16/98	Hondru Dodge, Inc. d/b/a E-Town Dodge	33,900.00
7314110-02	12/16/98	Westgate Chevrolet, Inc. d/b/a Apple Chevrolet	21,231.00
7314160-01	12/16/98	Carlisle Container Co.	10,320.00
8249360-01	12/16/98	Highway Equipment and Supply Co.	201,866.00
8249360-02	12/16/98	Groff Tractor and Equipment, Inc.	48,823.00

[Pa.B. Doc. No. 98-2152. Filed for public inspection December 24, 1998, 9:00 a.m.]